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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 4—GENERAL PROVISIONS

REASSIGNMENT AND TRANSFER

Sections 4.301 (a) (11) and 4.301 (a) (17) are amended to read as follows:

§ 4.301 *Definitions* (a) * * *

(11) "Reassignment" means a change, without promotion or demotion, from one position to any other position, while serving continuously within the same agency.

* * * * *

(17) "Transfer" means a change of position during continuous Federal service without a break of one work day from one agency to another, or, while serving continuously within the same agency, from one official headquarters or post of duty to another.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633, E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. Interprets or applies ch. 116, 42 Stat. 470, sec. 2, 58 Stat. 388; 5 U. S. C. 679, 851)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-1366; Filed, Feb. 16, 1950; 8:55 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Department of the Air Force, the Commission has determined that specific provision be made in the subdivision of Schedule A applicable to the Air Force for appointments to quasi-military positions and positions of Special Services hostesses and librarians, appointments to these positions now being made under § 6.105 (a) (1) and (g) (1) applicable to the Department of the Army. Effective upon publication in the FEDERAL REGISTER, § 6.107 (d) is amended by the addition of subparagraphs (2) and (3). As amended, § 6.107 (d) provides as follows:

§ 6.107 *Department of the Air Force.*

* * *

(d) *General.* (1) NC/PD. During the emergency declared by the President to exist on May 27, 1941, all positions in the Department of the Air Force on the Isthmus of Panama.

(2) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through competitive examination is impracticable.

(3) NC/PD. Positions of hostess and librarian assigned to Air Force posts.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.; E. O. 9973, June 28, 1948, 13 F. R. 3600, 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-1367; Filed, Feb. 16, 1950; 8:55 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52409]

PART 1—CUSTOMS DISTRICTS AND PORTS

DESIGNATION OF WEST PALM BEACH, FLA., AS PORT OF DOCUMENTATION

Effective 30 days from the date of publication of this notice in the FEDERAL REGISTER, § 1.1 (c), Customs Regulations of 1943 (19 CFR, 1.1 (c)), as amended, is further amended by inserting an asterisk before the words "West Palm Beach (E. O. 4324, Oct. 15, 1925)" where those words appear under the heading "ports of entry" for District No. 18, Florida.

(R. S. 161, 251, sec. 624, 46 Stat. 759, sec. 102, Reorg. Plan 3 of 1946, 11 F. R. 7875, 3 CFR 1946 Supp., 60 Stat. 1097; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 5 U. S. C. 133y-16. Interpret or apply sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, secs. 1, 2, 3, 44 Stat. 1381, as amended, 1382; 5 U. S. C. 281-281b, 19 U. S. C. 1, 2)

Notice of the proposed issuance of the foregoing amendment was published in the FEDERAL REGISTER on January 12, 1950

(Continued on next page)

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FEDERAL REGISTER

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(15 F. R. 364), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The basis of the amendment is section 1 of the act of February 16, 1925 (46 U. S. C. 18), and its purpose is to provide a more efficient service to the owners of vessels in West Palm Beach, Florida, and in the immediate vicinity of that port, decreasing materially the distance to be travelled by owners of vessels in connection with the documentation of their craft.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: February 13, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-1377; Filed, Feb. 16, 1950; 8:56 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 218]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 216]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NEVADA, INDIANA, OHIO, OREGON, AND PENNSYLVANIA

A. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respect:

Schedule A, Item 185, is amended to read as follows:

(185) [Revoked and decontrolled.]

This decontrols the entire Reno, Nevada, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

B. The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

Schedule A, Item 185 is amended to describe the counties in the Defense-Rental Area as follows:

In Washoe County, Townships 18, 19, and 20, North, Ranges 19 and 20 East.

This decontrols the entire Reno, Nevada, Defense-Rental Area, except the townships listed above in Washoe County, Nevada, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

C. The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 98, is amended to read as follows:

(98) [Revoked and decontrolled.]

This decontrols the entire Richmond-Connersville, Indiana, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 105a, is amended to read as follows:

(105a) [Revoked and decontrolled.]

This decontrols the entire New Castle, Indiana, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 228, is amended to describe the counties in the Defense-Rental Area as follows:

Cuyahoga County, except the Villages of Bay, Brecksville, Chagrin Falls, Hunting Valley, Independence, Lyndhurst, North Olmsted, North Royalton, Orange and West View; and in Lake County, Willoughby Township and those parts of Kirtland Township included within the corporate limits of Waite Hill and Willoughby.

Lake County, other than Willoughby Township and those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby.

This decontrols the Villages of Independence and North Royalton in Cuyahoga County, Ohio, portions of the Cleveland, Ohio, Defense-Rental Area based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

4. Schedule A, Item 256, is amended to describe the counties in the Defense-Rental Area as follows:

Clackamas County, except Oregon City and the Cities of Milwaukie and West Linn; Multnomah County; and Washington County, except the Cities of Beaverton, Forest Grove and Hillsboro.

Clark County, except the Town of Washougal.

Clatsop County, except that portion lying south of Township Line 8 North.

This decontrols the City of Milwaukie in Clackamas County, Oregon, a portion of the Portland-Vancouver, Oregon, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

5. Schedule A, Item 263a, is amended to read as follows:

(263a) [Revoked and decontrolled.]

This decontrols the entire Lewistown, Pennsylvania, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective February 14, 1950.

Issued this 13th day of February 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-1332; Filed, Feb. 16, 1950; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5773]

PART 182—INDUSTRIAL ALCOHOL

MISCELLANEOUS AMENDMENTS

1. Sections 182.262, 182.278, 182.331, 182.333, 182.423, 182.426, 182.428, 182.429, 182.430, 182.441 and 182.448 of Regulations 3 "Industrial Alcohol" (26 CFR, Part 182), approved March 6, 1942, are hereby amended:

REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT; AND IN THE TITLE TO INDUSTRIAL ALCOHOL PLANT OR BONDED WAREHOUSE PROPERTY OR THE ENCUMBERANCE THEREOF

Change in Proprietorship

§ 182.262 *Change in proprietorship*—(a) *Suspension.* * * *

(4) *Notice of suspension.* In case of an industrial alcohol plant, file with the district supervisor Form 124, "Notice of Suspension," in duplicate, in accordance with §§ 182.423 to 182.428.

* * * * *

(Interprets or applies sec. 3, 49 Stat. 978, as amended, 53 Stat. 357, 360; 27 U. S. C. 203, 26 U. S. C. 3100-3102, 3114)

REQUIREMENTS GOVERNING ALTERNATE OPERATION OF INDUSTRIAL ALCOHOL PLANT AS REGISTERED DISTILLERY OR FRUIT DISTILLERY

§ 182.278 *Where operation of bonded warehouse or denaturing plant on premises is continued*—(a) *Suspension.* * * *

(4) *Notice of suspension, Form 124.* File with the district supervisor Form 124, "Notice of Suspension," in duplicate, in accordance with § 182.423.

* * * * *

(b) *Resumption.* * * *

(6) *Notice of resumption.* File with the district supervisor Form 125, "Notice of Resumption," in duplicate, in accordance with § 182.429.

* * * * *

(Interprets or applies 53 Stat. 311, 357, 360; 26 U. S. C. 2815, 3103, 3112, 3114)

OPERATION OF INDUSTRIAL ALCOHOL PLANTS

§ 182.331 *Commencement of operations; notice, Form 125.* Before commencing operations at the industrial alcohol plant, the proprietor shall file with the district supervisor notice on Form 125, in duplicate, specifying the date on which he desires to commence operations. This notice must be filed in time to enable the district supervisor to assign one or more storekeeper-gaugers to the industrial alcohol plant. If the application, Form 1431, bond, Form 1432-A, and supporting documents have been approved and basic permit, Form 1433, has been issued, and the storekeeper-gaugers assigned to the industrial alcohol plant have found the plant and equipment in proper condition, the proprietor may commence operations at the time specified in the notice.

(Interprets or applies 53 Stat. 357; 26 U. S. C. 3103)

§ 182.333 *Examination of plant.* Upon assignment to an industrial alcohol plant intending to commence operations, or to resume operations after an extended suspension, the storekeeper-gaugers will, prior to the actual commencement of operations, examine the industrial alcohol plant, the apparatus and equipment, the receiving room, etc., and determine that all valves, flanges, and other connections which would afford access to the alcohol are properly equipped for locking or are brazed, or welded, or otherwise secured and sealed, and that all doors and other openings in the receiving room and wine room are protected in the manner prescribed by this part. The storekeeper-gauger will apply Government locks (unless previously attached) wherever the same are required, and will complete Form 125, in duplicate, deliver one copy to the proprietor and forward the original to the district supervisor.

Suspension of Operations

§ 182.423 *Notice, Form 124.* Any proprietor desiring to suspend operations for an indefinite period or for a definite period of seven days or more at his industrial alcohol plant shall give notice on Form 124, "Notice of Suspension," in duplicate, stating when he will suspend operations. The notice will be delivered to the storekeeper-gauger in charge at the plant.

* * * * *

(Interprets or applies 53 Stat. 357; 26 U. S. C. 3103)

§ 182.426 *Officer's certificate of suspension.* The officer will certify on each copy of Form 124 to the action taken by him and will furnish one copy of the form to the proprietor and forward the remaining copy to the district supervisor. The district supervisor may relieve any officer assigned to the plant from duty thereat during the period of suspension.

§ 182.428 *Suspension caused by unavoidable accident.* In case of accident necessitating suspension of the plant for an indefinite period or for a definite period of seven days or more, the proprietor should, if possible, distill all the beer, or other distilling material, and unfinished alcohol on hand before filing notice of suspension. Should the accident be of such a nature as to render this impossible, the proprietor will immediately give notice of suspension on Form 124, in duplicate, as provided in § 182.423. The storekeeper-gauger will then lock the furnace doors of the stills or the control valves in the steam or fuel lines leading to the stills, and supervise the disconnection and removal of distilling machinery, as provided in § 182.425. The officer will then certify on Form 124, in duplicate, to the action taken by him and state the kind and quantity, if any, of mash, beer, wort, or other distilling material, or unfinished alcohol on hand at the time of suspension and will furnish one copy of the form to the proprietor and forward the remaining copy to the district supervisor. The district supervisor may relieve any officer assigned to the plant from duty thereat during the period of suspension.

(Interprets or applies 53 Stat. 357; 26 U. S. C. 3103)

Resumption of Operations

§ 182.429 *Notice, Form 125.* No proprietor may carry on the business of distilling after the time stated in his notice of suspension, Form 124, until he shall have given another notice on Form 125, "Notice of Resumption," in duplicate, to the district supervisor, stating the time he will resume operations. This notice should be forwarded in sufficient time to reach the district supervisor a sufficient time in advance of the date it is desired to resume operations to enable the district supervisor to assign a storekeeper-gauger to remove the locks and supervise operations. This notice should ordinarily reach the district supervisor at least 48 hours in advance of the date the proprietor desires to resume operations. The district supervisor will designate an officer to remove the locks and other fastenings placed on the equipment at the time of suspension and to supervise the connection of machinery on the date specified in the Form 125. Where the suspension was caused by accident, and beer, or other distilling material, or unfinished alcohol remain on hand, the designated officer will determine whether the same kind and quantity of beer, or other distilling material, or unfinished alcohol reported on Form 124 as on hand at the time suspension are on hand at the time of resumption, less natural evaporation.

(Interprets or applies 53 Stat. 357; 26 U. S. C. 3103)

§ 182.430 *Officer's certificate of removal of locks and fastenings.* The officer will certify on Form 125, in duplicate, to the action taken by him and to the kind and quantity, if any, of beer, or other distilling material, or unfinished alcohol on hand at the time of such resumption, and will furnish one copy of Form 125 to the proprietor and forward the remaining copy to the district supervisor.

Alternate Operations as Registered Distillery or Fruit Distillery

§ 182.441 *Transfer agreement, Form 1614.* Where the outgoing proprietor and his successor so arrange for the transfer of distilling materials, the outgoing proprietor will file with the district supervisor four copies of Form 1614, "Transfer Agreement," duly executed by himself and the prospective successor. The form will be filed in sufficient time to permit consideration thereof in connection with the transferor's notice of suspension of operations and the transferee's qualifying documents. The district supervisor will, upon approval, forward one copy to the transferor and one copy to the transferee. The district supervisor will retain two copies, one for the file of the transferor and one for the file of the transferee.

Change in Proprietorship

§ 182.448 *Transfer agreement, Form 1614.* Where the outgoing proprietor and the successor so arrange for the transfer of all mash and beer, or other distilling material, and all unfinished alcohol on hand, the outgoing proprietor will file with the district supervisor four copies of Form 1614, "Transfer Agreement," duly executed by himself and the prospective successor. The form will be filed in sufficient time to permit consideration thereof in connection with the transferor's notice of suspension or discontinuance of operations, and the transferee's qualifying documents. The district supervisor will, upon approval, forward one copy to the transferee and one copy to the transferor. The district supervisor will retain two copies, one for the file of the transferor and one for the file of the transferee.

2. The purpose of the proposed amendments is to eliminate the Commissioner's copies of Forms 124, 125, and 1614.

3. It is found that compliance with the notice, public rule-making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001, et seq.), is unnecessary in connection with the issuance of these regulations for the reason that the changes made are of a liberalizing character.

4. This Treasury decision shall be effective immediately upon the date of its publication in the FEDERAL REGISTER.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Interpret or apply 53 Stat. 358, 365; 26 U. S. C. 3105, 3124)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: February 13, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-1380; Filed, Feb. 16, 1950; 8:57 a. m.]

[T. D. 5774]

PART 183—PRODUCTION OF DISTILLED SPIRITS

MISCELLANEOUS AMENDMENTS

1. Sections 183.138, 183.152, 183.155, 183.192, 183.194, 183.361, 183.364, 183.366, 183.367, 183.368, 183.379, and 183.386, of Regulations 4 (26 CFR, Part 183), "Production of Distilled Spirits," approved February 28, 1940, are hereby amended:

REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT, AND IN THE TITLE TO THE DISTILLERY PROPERTY OR THE ENCUMBRANCE THEREOF

§ 183.138 *Change in proprietorship*—(a) *Suspension.* * * *

(3) *Notice of suspension.* File with the district supervisor Form 124, "Notice of Suspension," in duplicate, in accordance with §§ 183.361 to 183.366.

* * * * *

(5) *Materials and unfinished spirits.* If distilling materials and unfinished spirits are to be transferred to the successor, file with the district supervisor Form 1614, "Transfer Agreement," in quadruplicate, in accordance with §§ 183.385 to 183.389; if the unfinished spirits and distilling materials are not to be so transferred, completely finish operations in accordance with the provisions of said sections.

* * * * *

(Interprets or applies 53 Stat. 308-310, 312, 318, 321, 322, 324, 333, 373; 26 U. S. C. 2810, 2812, 2814, 2816, 2831, 2841, 2844, 2850, 2878, 3170)

REQUIREMENTS GOVERNING OPERATION OF DISTILLERY UNDER ALTERNATING PROPRIETORSHIPS

§ 183.152 *Qualification*—(a) *Where no bonded warehouse on premises.* * * *

(5) *Notice of resumption.* File with the district supervisor Form 125, "Notice of Resumption," in duplicate, in accordance with §§ 183.367 to 183.369.

* * * * *

(Interprets or applies 53 Stat. 308-310, 312, 318, 321, 322, 324, 333, 373; 26 U. S. C. 2810, 2812, 2814, 2816, 2831, 2841, 2844, 2850, 2878, 3170)

REQUIREMENTS GOVERNING ALTERNATE OPERATIONS AS FRUIT DISTILLERY OR INDUSTRIAL ALCOHOL PLANT

§ 183.155 *Where no bonded warehouse on premises*—(a) *Suspension.* * * *

(3) *Notice of suspension, Form 124.* File with the district supervisor Form 124, "Notice of Suspension," in duplicate, in accordance with §§ 183.361 to 183.366.

* * * * *

(b) *Resumption.* * * *

(6) *Notice of resumption.* File with the district supervisor Form 125, "Notice of Resumption," in duplicate, in accordance with §§ 183.367 to 183.369.

* * * * *

(Interprets or applies 53 Stat. 308–310, 312, 321, 322, 324, 373; 26 U. S. C. 2810, 2812, 2814, 2816, 2841, 2844, 2850, 3170)

MANUFACTURE OF DISTILLED SPIRITS

Commencement of Operations

§ 183.192 *Notice, Form 125.* Before commencing operations at the distillery, the distiller shall file with the district supervisor notice on Form 125, in duplicate, specifying the date on which he desires to commence operations. This notice must be filed in time to enable the district supervisor to assign one or more storekeeper-gaugers to the distillery. If the distiller's bond, Form 30, and the other qualifying documents required by these regulations have been filed and approved, and the required storekeeper-gaugers assigned to the distillery have found the plant and equipment in proper condition, the distiller may commence operations at the time specified in the notice.

(Interprets or applies 53 Stat. 324, 373; 26 U. S. C. 2850, 3170)

§ 183.194 *Examination of distillery.* Upon assignment to a distillery intending to commence operations, storekeeper-gaugers will, prior to the actual commencement of operations, examine the distillery, the apparatus and equipment, the cistern room, etc., and determine that all valves, flanges, and other connections which would afford access to spirits are properly equipped for locking or are brazed, welded, or otherwise secured, and that all doors and other openings in the cistern room are protected in the manner prescribed by this part. The storekeeper-gauger will apply Government locks wherever the same are required, and will complete Form 125, in duplicate, deliver one copy to the distiller, and forward the original to the district supervisor.

SUSPENSION AND RESUMPTION OF OPERATIONS

Suspension of Operations

§ 183.361 *Notice, Form 124.* Any distiller desiring to suspend operations at his distillery shall give notice on Form 124, "Notice of Suspension," in duplicate, stating when he will suspend operations. The notice will be delivered to the storekeeper-gauger in charge at the distillery.

(Interprets or applies 53 Stat. 324; 26 U. S. C. 2850)

§ 183.364 *Officer's certificate of suspension.* The officer will certify on each copy of Form 124 to the action taken by him, and will furnish one copy of the form to the distiller and forward the remaining copy to the district supervisor. The district supervisor may relieve any officer assigned to the plant from duty thereat during the period of suspension.

(Interprets or applies 53 Stat. 324; 26 U. S. C. 2850)

§ 183.366 *Suspension caused by unavoidable accident.* In case of an accident necessitating a suspension of the distillery for a period of more than three days, the distiller should, if possible, distill all the beer and unfinished spirits on hand before filing notice of suspension in accordance with § 183.362. Should the accident be of such a nature as to render this impossible, the distiller will immediately give notice of suspension on Form 124, in duplicate, as provided in § 183.361. The storekeeper-gauger will then lock the furnace doors of the stills or the control valves in the steam or fuel lines leading to the stills, and supervise the disconnection and removal of distillery machinery, as provided in § 183.363. The officer will then certify on Form 124, in duplicate, to the action taken by him, and state the kind and quantity, if any, of mash, beer or unfinished spirits on hand at the time of such suspension, and will furnish one copy of the form to the distiller and forward the remaining copy to the district supervisor. The district supervisor may relieve any officer assigned to the plant from duty thereat during the period of suspension.

(Interprets or applies 53 Stat. 324, 373; 26 U. S. C. 2850, 3170)

Resumption of Operations

§ 183.367 *Notice, Form 125.* No distiller may carry on the business of a distiller after the time stated in his notice of suspension, Form 124, until he shall have given another notice on Form 125, "Notice of Resumption," in duplicate, to the district supervisor, stating the time when he will resume operations. This notice should be forwarded to the district supervisor a sufficient time in advance of the date it is desired to resume operations, to enable the district supervisor to assign a storekeeper-gauger to remove the locks and supervise operations. The notice should ordinarily reach the district supervisor at least 48 hours in advance of the date the distiller desires to resume operations. The district supervisor will designate an officer to remove the locks and other fastenings placed on the equipment at the time of suspension and to supervise the connection of the machinery on the date specified in the Form 125. Where the suspension was caused by accident, and beer or unfinished spirits remained on hand, the designated officer will determine whether the same kind and quantity of beer or unfinished spirits reported on Form 124 as on hand at the time of suspension are on hand at the time of resumption, less natural evaporation.

(Interprets or applies 53 Stat. 324, 373; 26 U. S. C. 2850, 3170)

§ 183.368 *Officer's certificate of removal of locks and fastenings.* The officer will certify on Form 125, in duplicate, to the action taken by him, and to the kind and quantity, if any, of beer or unfinished spirits on hand at the time of such resumption, and will furnish one copy of Form 125 to the distiller and forward the remaining copy to the district supervisor.

(Interprets or applies 53 Stat. 324, 373; 26 U. S. C. 2850, 3170)

ALTERNATE OPERATION AS INDUSTRIAL ALCOHOL PLANT OR FRUIT DISTILLERY

§ 183.379 *Transfer agreement, Form 1614.* Where the outgoing distiller and his successor so arrange for the transfer of distilling materials, the outgoing distiller will file with the district supervisor four copies of Form 1614, "Transfer Agreement," duly executed by himself and the prospective successor. The form will be filed in sufficient time to permit consideration thereof in connection with the transferor's notice of suspension of operations and the transferee's qualifying documents. The district supervisor will, upon approval, forward one copy to the transferor and one copy to the transferee. The district supervisor will retain two copies, one for the file of the transferor and one for the file of the transferee.

CHANGE OF PERSONS INTERESTED IN BUSINESS

§ 183.386 *Transfer agreement, Form 1614.* Where the outgoing distiller and the successor so arrange for the transfer of all mash and beer, and all unfinished spirits on hand, the outgoing distiller will file with the district supervisor four copies of Form 1614, "Transfer Agreement," duly executed by himself and the prospective successor. The form will be filed in sufficient time to permit consideration thereof in connection with the transferor's notice of suspension or discontinuance of operations, and the transferee's qualifying documents. The district supervisor will, upon approval, forward one copy to the transferor and one copy to the transferee. The district supervisor will retain two copies, one for the file of the transferor and one for the file of the transferee.

2. The purpose of the proposed amendments is to eliminate the Commissioner's copies of Forms 124, 125, and 1614.

3. It is found that compliance with the notice, public rule-making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001, et seq.) is unnecessary in connection with the issuance of these regulations for the reason that the changes made are of a liberalizing character.

4. This Treasury decision shall be effective immediately upon the date of its publication in the FEDERAL REGISTER.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: February 13, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50–1381; Filed, Feb. 16, 1950; 8:58 a. m.]

[T. D. 5775]

PART 184—PRODUCTION OF BRANDY

MISCELLANEOUS AMENDMENTS

1. Sections 184.123, 184.135, 184.138, 184.168, 184.170, 184.281, 184.385, 184.387,

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184.388, 184.389, 184.401, and 184.408 of Regulations 5 (26 CFR, Part 184), "Production of Brandy," approved February 28, 1940, are hereby amended:

REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES, AND EQUIPMENT

§ 184.123 *Change in proprietorship*—(a) *Suspension.* * * *

(3) *Notice of suspension.* File with the district supervisor, Form 124, "Notice of Suspension," in duplicate, in accordance with §§ 184.381 to 184.387.

* * * * *

(5) *Materials and unfinished spirits.* If distilling materials and unfinished spirits are to be transferred to the successor, file with the district supervisor Form 1614, "Transfer Agreement," in quadruplicate, in accordance with §§ 184.407 and 184.408; if the unfinished spirits and distilling materials are not to be so transferred, completely finish operations in accordance with the provisions of said sections.

* * * * *

(Interprets or applies 53 Stat. 308-310, 312, 318, 321, 324, 333, 373; 26 U. S. C. 2810, 2812, 2814, 2816, 2831, 2841, 2850, 2878, 3170)

REQUIREMENTS GOVERNING OPERATION OF DISTILLERY UNDER ALTERNATING PROPRIETORSHIPS

§ 184.135 *Qualification*—(a) *Where no bonded warehouse on premises.* * * *

(5) *Notice of resumption.* File with the district supervisor Form 125, "Notice of Resumption," in duplicate, in accordance with §§ 184.388 to 184.390.

* * * * *

(Interprets or applies 53 Stat. 308-310, 312, 318, 321, 324, 333, 373; 26 U. S. C. 2810, 2812, 2814, 2816, 2831, 2841, 2850 2878, 3170)

REQUIREMENTS GOVERNING ALTERNATE OPERATIONS AS REGISTERED DISTILLERY OR INDUSTRIAL ALCOHOL PLANT

§ 184.138 *Where no bonded warehouse on premises*—(a) *Suspension.* * * *

(3) *Notice of suspension.* File with the district supervisor Form 124, "Notice of Suspension," in duplicate, in accordance with §§ 184.381 to 184.387.

* * * * *

(b) *Resumption.* * * *

(5) *Notice of resumption.* File with the district supervisor Form 125, "Notice of Resumption," in duplicate, in accordance with §§ 184.388 to 184.390.

* * * * *

(Interprets or applies 53 Stat. 308-310, 312, 318, 321, 324, 333, 373; 26 U. S. C. 2810, 2812, 2814, 2816, 2831, 2841, 2850, 2878, 3170)

MANUFACTURE OF BRANDY

Commencement of Operations

§ 184.168 *Notice, Form 125.* Before commencing operations at the distillery, the distiller shall file with the district supervisor notice on Form 125, in duplicate, specifying the date on which he desires to commence operations. This notice must be filed in time to enable the district supervisor to assign a storekeeper-gauger to apply the required locks and seals, or, in the case of a previously operated distillery, to remove Government locks from the furnace doors of the stills or from valves controlling the flow of steam or fuel to the stills, and to connect the machinery, and, if deemed necessary, to supervise operations. If the distiller's bond, Form 30½, has been approved and the storekeeper-gauger has found the plant and equipment in proper condition, the distiller may commence operations at the time specified in the notice.

(Interprets or applies 53 Stat. 324, 373; 26 U. S. C. 2850, 3170)

§ 184.170 *Examination of distillery.* Upon arrival at a distillery intending to commence operations, storekeeper-gaugers will, prior to the actual commencement of operations, examine the distillery, the apparatus and equipment, the receiving tanks, etc., and determine that all valves, flanges, and other connections which would afford access to spirits are properly equipped for locking or are brazed, welded, or otherwise secured, and that all doors and other openings in the receiving and brandy deposit rooms, if any, are protected in the manner prescribed by this part. The storekeeper-gauger will apply Government locks wherever the same are required, and will complete Form 125, in duplicate, deliver one copy to the distiller, and forward the original to the district supervisor.

SUSPENSION AND RESUMPTION OF OPERATION

Suspension of Operations

§ 184.381 *Notice, Form 124.* Any fruit distiller desiring to suspend operations at his distillery for the season or for a period of 30 days or more shall give notice on Form 124, in duplicate, stating when he will suspend operations. Where a storekeeper-gauger is assigned to the distillery, the notice will be delivered to such officer. The giving of such notice will not be required where operations are temporarily suspended for less than 30 days due to accident, the necessity for making repairs, seasonal conditions, or other causes.

(Interprets or applies 53 Stat. 316, 324; 26 U. S. C. 2825, 2850)

§ 184.385 *Officer's certificate of suspension.* The officer will certify on each copy of Form 124 to the action taken by him, and will furnish one copy of the form to the distiller and forward the remaining copy to the district supervisor. The district supervisor may relieve any officer assigned to the plant from duty thereat during the period of suspension.

(Interprets or applies 53 Stat. 316, 324, 373; 26 U. S. C. 2825, 2850, 3170)

§ 184.387 *Suspension caused by unavoidable accident.* In case of an accident necessitating a suspension for a period of 30 days or more, the distiller should, if possible, distill all distilling material, fermented or in the process of fermentation, and all unfinished spirits on hand. Should the accident be of such a nature as to render this impossible, the distiller will immediately give notice of suspension on Form 124, in duplicate, as provided in § 184.381. The storekeeper-gauger will then lock the furnace doors of the stills or the control valves in the steam or fuel lines leading to the stills, and supervise the disconnection and removal of distillery machinery, as provided in § 184.384. The officer will then certify on Form 124, in duplicate, to the action taken by him and state the quantity, if any, of distilling material or unfinished spirits on hand at the time of such suspension, and will furnish one copy of the form to the distiller and forward the remaining copy to the district supervisor. The district supervisor may relieve any officer assigned to the plant from duty thereat during the period of suspension.

(Interprets or applies 53 Stat. 316, 324, 373; 26 U. S. C. 2825, 2850, 3170)

Resumption of Operations

§ 184.388 *Notice, Form 125.* No distiller may carry on the business of a distiller after the time stated in his notice of suspension, Form 124, until he shall have given another notice to the district supervisor on Form 125, in duplicate, stating the time when he will resume operations. This notice should be forwarded to the district supervisor a sufficient time in advance of the date it is desired to resume operations to enable the district supervisor to assign a storekeeper-gauger to remove the locks. The notice should ordinarily reach the district supervisor at least 48 hours in advance of the date the distiller desires to resume operations. The district supervisor will designate an officer to remove the locks and other fastenings placed on the equipment at the time of suspension and to supervise the connection of the machinery on the date specified in the Form 125. Where the suspension was caused by accident, and distilling material or unfinished spirits remained on hand, the designated officer will determine whether the same kind and quantity of distilling material or unfinished spirits reported on Form 124 as on hand at the time of suspension are on hand at the time of resumption, less natural evaporation.

(Interprets or applies 53 Stat. 316, 324, 373; 26 U. S. C. 2825, 2850, 3170)

§ 184.389 *Officer's certificate of removal of locks and fastenings.* The officer will certify on Form 125, in duplicate, to the action taken by him and to the kind and quantity, if any, of distilling material or unfinished spirits on hand at the time of such resumption, and will furnish one copy of Form 125 to the distiller and forward the remaining copy to the district supervisor.

(Interprets or applies 53 Stat. 316, 324, 373; 26 U. S. C. 2825, 2850, 3170)

ALTERNATE OPERATION AS INDUSTRIAL ALCOHOL PLANT OR REGISTERED DISTILLERY

§ 184.401 *Transfer agreement, Form 1614.* Where the outgoing distiller and his successor so arrange for the transfer of distilling materials, the outgoing distiller will file with the district supervisor four copies of Form 1614, "Transfer Agreement," duly executed by himself and the prospective successor. The form will be filed in sufficient time to permit consideration thereof in connection with the transferor's notice of suspension of

operations and the transferee's qualifying documents. The district supervisor will, upon approval, forward one copy to the transferor and one copy to the transferee. The district supervisor will retain two copies, one for the file of the transferor and one for the file of the transferee.

CHANGE OF PERSONS INTERESTED IN BUSINESS

§ 184.408 *Transfer agreement, Form 1614.* Where the outgoing distiller and the successor so arrange for the transfer of all distilling materials in process, and all unfinished spirits on hand, the outgoing distiller will file with the district supervisor four copies of Form 1614, "Transfer Agreement," duly executed by himself and the prospective successor. The form will be filed in sufficient time to permit consideration thereof in connection with the transferor's notice of suspension or discontinuance of operations, and the transferee's qualifying documents. The district supervisor will, upon approval, forward one copy to the transferor and one copy to the transferee. The district supervisor will retain two copies, one for the file of the transferor and one for the file of the transferee.

2. The purpose of the proposed amendments is to eliminate the Commissioner's copies of Forms 124, 125, and 1614.

3. It is found that compliance with the notice, public rule-making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001, et seq.) is unnecessary in connection with the issuance of these regulations for the reason that the changes made are of a liberalizing character.

4. This Treasury decision shall be effective immediately upon the date of its publication in the FEDERAL REGISTER.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: February 13, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-1382; Filed, Feb. 16, 1950; 8:57 a. m.]

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TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter C—Claims and Accounts

PART 836—CLAIMS AGAINST THE UNITED STATES

CLAIMS ARISING IN FOREIGN COUNTRIES

The reference made to § 536.26, Chapter V, Department of the Army, in F. R. Document 49-7917 (14 F. R. 5991), as being applicable to the Department of the Air Force is hereby rescinded and the following substituted therefor.

Pursuant to the authority conferred by sections 207 (f) and 208 (e) of the National Security Act (61 Stat. 503, 504; 5 U. S. C. Sup. II, 626 (f), 626c (e), Transfer Order 34, April 28, 1949 (14 F. R. 2509), and cited laws, the following regulations are hereby prescribed:

Sec.
836.61 Purpose.
836.62 Scope.
836.63 Preemptive of other claims provisions.
836.64 Territorial application.
836.65 Application to Philippine Islands.
836.66 Acts or omissions.
836.67 Bailed or leased personal property.
836.68 Use and occupancy of real property.
836.69 Other noncombat activities.
836.70 Elements of damage.
836.71 Persons excluded as claimants.
836.72 Claims excluded.
836.73 Contributory negligence.
836.74 Combat activities.
836.75 Claims of subrogees.
836.76 Claims within provisions of other regulations.
836.77 Statute of limitations.
836.78 Foreign claims commissions.
836.79 Procedure.
836.80 Action by foreign claims commissions.
836.81 Cooperation with Army, Navy, and Marine Corps.
836.82 Conditions of payment.
836.83 Claims of inhabitants of occupied countries.

AUTHORITY: §§ 836.61 to 836.83 issued under sec. 1, 55 Stat. 880 as amended; 31 U. S. C. 224d.

DERIVATION: AFR 112-6.

§ 836.61 *Purpose.* Sections 836.61 to 836.83 outline the procedure for administrative settlement of claims for damage to or loss or destruction of property, real or personal, or for personal injury or death of inhabitants of a foreign country, including places located therein which are under the temporary or permanent jurisdiction of the United States, arising in such foreign country, including claims for damage to or loss or destruction of personal property bailed to the Government and claims for damages incident to the use and occupancy of real property, whether under a lease, express or implied, or otherwise, when such damage, loss, destruction, or injury was caused by Air Force personnel or civilian employees thereof.

§ 836.62 *Scope.* Claims for damage to or loss or destructien of real or personal property, and for personal injury or death, caused by air forces, or individual members (whether military personnel or civilian employees) thereof, or otherwise incident to noncombat activities of such forces, in a foreign country (see § 836.65 regarding claims arising in the Philippine Islands) to public property located therein or to the privately owned property, or to the persons, of inhabitants of such country are within the foreign claims provision. (55 Stat. 880 as amended; 31 U. S. C. 224d). The word "claims" as used in §§ 836.61 to 836.83 refers to those demands for payment submitted by individuals, partnerships, associations, or corporations, including foreign countries, states, territories, and other political subdivisions of such countries, other than such demands for payment as arise under ordinary obligations incurred by the Department of the Air Force or the Air Force in the procurement of services or supplies.

§ 836.63 *Preemptive of other claims provisions.* Claims within the scope of §§ 836.61 to 836.83 which are also within the scope of regulations governing nonnegligence claims and claims under Article of War 105 (§§ 836.30 to 836.44 and §§ 836.50 to 836.54, 14 F. R. 5995-5998) will be settled under §§ 836.61 to 836.83 which is preemptive of such other claims provisions.

§ 836.64 *Territorial application.* The provisions of §§ 836.61 to 836.83 are applicable to claims arising out of accidents occurring in foreign countries, including territorial waters thereof. See § 836.65, however, regarding claims arising in the Philippine Islands. Claims arising at a place, within a foreign country, under the temporary or permanent jurisdiction of the United States may be approved hereunder if the claims are otherwise within the provisions of §§ 836.61 to 836.83.

§ 836.65 *Application to Philippine Islands.* Claims of inhabitants of the Philippine Islands arising out of accidents or incidents occurring during the period December 7, 1941 and July 25, 1947, both dates inclusive, may be considered notwithstanding the limitations of § 836.77, if presented within one year after July 25, 1947 and if good cause for the delay is shown.

§ 836.66 *Acts or omissions*—(a) *Military personnel and civilian employees.* Military personnel and civilian employees whose acts or omissions may give rise to claims within the scope of §§ 836.61 to 836.83 include all military personnel and civilian employees of the Department of the Air Force and the Air Force, prisoners of war and interned enemy aliens engaged in labor for pay, volunteer workers, and others, serving as employees of the Department of the Air Force and the Air Force even though without compensation.

(b) *Scope of employment.* If the damage, loss, destruction, injury, or death is caused by acts or omissions of military personnel, or of civilian employees who are citizens of the United States, claims otherwise within the provisions of §§ 836.61 to 836.83 may be approved regardless of whether such acts or omissions occur while such military personnel or civilian employees are acting within the scope of their employment. If the damage, loss, destruction, injury, or death is caused by acts or omissions of civilian employees who are not citizens of the United States; or of prisoners of war or interned enemy aliens, claims may not be approved unless such acts or omissions occur while such persons are acting within the scope of their employment. Activities in the course of which such acts or omissions may occur are ordinarily within the scope of employment if the performance thereof is directed, or if of a-kind the performance of which is expressly or impliedly authorized, or if the purpose is, at least in part, to serve the Government. In determining whether conduct, although not expressly authorized, is nevertheless within the scope of employment, consideration may be given to all of the attendant facts and circumstances including: the time, place, and purpose of the activity; whether the activity was for the furtherance of the general interest of the Government; whether the activity is usual for personnel of the

grade and classification involved or reasonably to be expected of such personnel; and whether the instrumentality from which the damage or injury resulted was owned or furnished by the Government. Ordinarily a slight deviation as to time or place will not constitute a departure from scope of employment; such a deviation, to have legal effect must be a material deviation.

(c) *Proximate cause.* Claims for damage to or loss or destruction of property, or for personal injury or death, proximately caused by willful, negligent, wrongful, or otherwise tortious acts or omissions of military personnel or civilian employees are payable under the provisions of this section. Acts or omissions involving a lack of reasonable care are the usual basis of claims so payable. If the proximate cause of the accident or incident is the act or omission of persons other than military personnel or civilian employees, as defined in paragraph (a) of this section, the claim is not payable. If the proximate cause of the accident or incident is the joint or concurrent tortious act or omission of military personnel or civilian employees and of one or more persons other than the claimant, his agent, or employee, the claim is payable except to the extent, if any, already paid by or on behalf of such other person or persons. Acts or omissions constituting a mere condition without the existence of which the accident or incident could not have occurred, and which are not a proximate cause thereof, are not a proper basis for a finding of liability even though local law or ordinances, or post or other regulations, forbid such acts or omissions and even though such acts or omissions are therein declared to be negligent. Violation of such local law or ordinances, or of such installation or other regulations, is evidence, but evidence only, and not conclusive, of the presence of negligence; such rules are only indicative of the proper standard of safety. Local law will, however, be followed as to imputed negligence. (See §§ 836.67 to 836.69 for other claims arising out of noncombat activities.)

(d) *Depredation.* Claims otherwise within the provisions of §§ 836.61 to 836.83 may be approved regardless of whether the damage, loss, destruction, injury, or death was caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent, so that the claims would, but for the foreign claims provision, be payable under the provisions of Article of War 105, §§ 836.50 to 836.54 (14 F. R. 5997–5998), if otherwise applicable.

§ 836.67 *Bailed or leased personal property.* Claims for damage to or loss or destruction of personal property loaned, rented, or otherwise bailed to the Government under an agreement, express or implied, are payable under the provisions of §§ 836.61 to 836.83 even though legally enforceable against the Government as contract claims, unless by express agreement the bailor has assumed the risk of damage, loss, or destruction; except as payment may be barred by the provisions of § 836.74, the cause of loss is immaterial. Claims payable under this section may, if deemed preferable as in the best interests of the Government, be processed as contract claims. Claims for rent of personal property are not payable under §§ 836.61 to 836.83.

§ 836.68 *Use and occupancy of real property.* Claims for damage to real property incident to the use and occupancy thereof by the Government under a lease, express or implied, or otherwise, are payable under the provisions of §§ 836.61 to 836.83 even though legally enforceable against the Government, as contract claims; payment may, however, be precluded by the provisions of § 836.74. Claims payable under this section may, if deemed preferable as in the best interests of the Government, be processed as contract claims. Claims for rent of real property are not payable under §§ 836.61 to 836.83.

§ 836.69 *Other noncombat activities.* Claims for damage to or loss or destruction of property, or for personal injury or death, though not caused by acts or omissions of military personnel or civilian employees of the Department of the Air Force or of the Air Force, are payable under the provisions of this section if otherwise incident to the noncombat activities of the Department of the Air Force or of the Air Force. In general the claims within the above category are those arising out of authorized activities which are peculiarly Air Force activities having little parallel in civilian pursuits and to situations which historically have been considered as furnishing a proper basis for the payment of claims. Included are claims where no particular act or omission on the part of military personnel or civilian employees is present or if present and though occurring within the scope of their employment is at least less obvious or less personal but where, because of the peculiar nature of the activity or of the resulting damage or injury, the burden of the loss should be borne rather by the Government than by the particular individual on whom the loss initially fell. Also included are claims arising out of activities such as those involving the use of explosives, whether or not involving negligent acts or omissions, of which damage or injury is a natural consequence. For example, included are claims for damage or injury arising out of, and which are natural or probable results or incidents of, maneuvers and special field exercises, practice firing of heavy guns, practice bombing, operation of aircraft and antiaircraft, use of instrumentalities having latent mechanical defects not traceable to negligent acts or omissions, movement of combat vehicles or other vehicles, designed especially for military use, and use and occupancy of real estate.

§ 836.70 *Elements of damage.* Actual and reasonable medical and hospital expenses, reasonable compensation for physical pain and suffering and disability, and loss of earning capacity may be included as elements of damage in cases of personal injury. If death results, actual and reasonable burial expenses and reasonable compensation for loss of life also may be included. In computing the amount of damages in cases of personal injury, or death, local standards will be taken into consideration. In case of death only one claim arises; the amount approved therefor will, to the extent found practicable or feasible, be apportioned among the beneficiaries, and in the proportions, prescribed by the law or custom of the place in which the accident or incident resulting in the death occurs.

§ 836.71 *Persons excluded as claimants.* The following classes of claimants are among those excluded:

(a) Persons not inhabitants of the country in which the accident or incident resulting in the claim occurs. The word "inhabitant" as used in §§ 836.61 to 836.83 refers only to those who at the time of the occurrence dwell or reside in the country in which the accident or incident occurs. Citizenship of, or legal domicile in, such country is not required; transients having no abode or dwelling place in such country are not included. An inhabitant of any dominion, state, province, colony, territory, or possession constituting a part of a foreign country will be deemed an inhabitant of such foreign country within the meaning of §§ 836.61 to 836.83 regarding any claim arising out of an accident or incident occurring in any part of such country. The status of the decedent will control in cases of claims based on death.

(b) Members of the Armed Forces of the United States.

(c) Nationals of a country at war with the United States, or of any ally of such an enemy country, except as the foreign claims commission considering the claim, or the local military commander, shall determine that the claimant is friendly to the United States.

(d) United States citizens not inhabitants of the country in which the accident or incident occurs.

§ 836.72 *Claims excluded.* The following classes of claims are excluded: Claims purely contractual in character; private contractual and domestic obligations of individual Air Force personnel or civilian employees; claims based solely on compassionate grounds; bastardy claims; claims for patent infringement; claims arising in the Philippine Islands out of acts or omissions outside the scope of employment of personnel of the Philippine Army called into the service of the Armed Forces of the United States or other Philippine personnel; and workmen's compensation claims. No workmen's compensation claim as such is payable under the provisions of §§ 836.61 to 836.83. If the claim is within the scope of any provision made for the payment of workmen's compensation claims (United States Employees' Compensation Act of September 7, 1916, as amended (39 Stat. 742 as amended; 5 U. S. C. 751–777, 779–791, 793), or Longshoremen's and Harbor Workers' Compensation Act of March 4, 1927, as amended (44 Stat. 1424 as amended; 33 U. S. C. 901–950), or local law or custom), such specific remedy is exclusive; if, however, there is no compensa-

tion provision, or if the claim is not within the scope of any such provision, such claim may be considered under the provisions of §§ 836.61 to 836.83.

§ 836.73 *Contributory negligence.* No claim will be approved where the damage, loss, destruction, injury, or death is proximately caused in whole or in part by negligence or wrongful act of the claimant, or of his agent or employee acting within the scope of his employment, unless, under the law or custom of the place where the accident or incident resulting in the claim occurs, such negligence or wrongful act is not recognized generally as a bar to recovery on tort claims, in which case such local law or custom will be applied so far as practicable in determining the effect of such negligence or wrongful act. Normally such local law or custom will be followed in determining whether contributory negligence, if pertinent, is present.

§ 836.74 *Combat activities.* Claims for damage to or loss or destruction of property, or for personal injury or death, resulting from action by the enemy, or resulting directly or indirectly from any act by Armed Forces engaged in combat, are not payable under the Foreign Claims Act, (55 Stat. 880 as amended; 31 U. S. C. 224d).

§ 836.75 *Claims of subrogees.* Settlement will be made solely with the insured, rather than with the insurer or with both the insured and the insurer, in cases of damage, loss, destruction, injury, or death covered by insurance. No inquiry will be made into, nor determination made of, the relative interests as between insured and insurer. The entire claim, including any portion thereof insured against, will be filed by or on behalf of the insured and payment of the entire amount approved will be made in the name of the insured. Evidence of authority to file a claim on behalf of the insured may be established by a power of attorney, or other documentary evidence satisfactory to the foreign claims commission. The foregoing provisions will be equally applicable in cases of subrogation based other than on insurance. Claims by subrogees in their own right are not within the scope of §§ 836.61 to 836.83 and will not be considered.

§ 836.76 *Claims within provisions of other regulations.* Claims for damage to or loss or destruction of property, or for personal injury or death, arising out of accidents or incidents occurring in foreign countries but not within the provisions of §§ 836.61 to 836.83 for the reason that the claimant is not an inhabitant of the country in which the accident or incident occurred or for any other reason may be processed under the military claims provision, §§ 836.30 to 836.44 (14 F. R. 5995–5997), Article of War 105, §§ 836.50 to 836.54 (14 F. R. 5997–5998), or the personnel claims provision, Air Force Regulation 112–7, if applicable (see § 836.80 (c) (2)). Claims for damage to or loss or destruction of personal property of Air Force personnel or civilian employees of the Department of the Air Force or of the Air Force occurring incident to their service will be first considered under the provisions of Air Force Regulation 112–7 even though the claimant is an inhabitant of the country in which the accident or incident occurred; the provisions of Air Force Regulation 112–7, if applicable, take precedence over the provisions of §§ 836.61 to 836.83. Such claims of civilian employees, but not of military personnel found not to be payable under the provisions of Air Force Regulation 112–7 then may be considered under the provisions of §§ 836.61 to 836.83. Claims of such employees for damage to or loss or destruction of property not incident to their service are payable under the provisions of §§ 836.61 to 836.83 on the same basis as are claims of persons not civilian employees of the Department of the Air Force or of the Air Force, except that claims of civilian employees for clothing being worn at the time when damaged, lost, or destroyed, and claims by such persons for souvenirs, ornamental jewelry, or articles acquired to be disposed of as gifts are not payable under the provisions of §§ 836.61 to 836.83 unless the claimant was, at the time of the occurrence, off-duty and also at such time not subject to military law.

§ 836.77 *Statute of limitations.* No claim may be paid under the Foreign Claims Act (55 Stat. 880 as amended; 31 U. S. C. 224d) unless presented within one year after the occurrence of the accident or incident out of which such claim arises except that claims arising out of accidents or incidents occurring after December 6, 1941, but prior to May 1, 1943, could be presented at any time prior to May 1, 1944. Any claim not in excess of $1,000 arising out of an accident or incident occurring on or after May 27, 1941, and prior to December 7, 1941, is barred unless it was presented within one year after the date of such accident or incident. Claims, regardless of amount, arising out of accidents or incidents occurring subsequent to December 6, 1941, but prior to May 1, 1943, could be presented at any time prior to May 1, 1944. See § 836.65, however, for special provisions relative to claims arising in the Philippine Islands.

§ 836.78 *Foreign claims commissions*—(a) *General.* Each foreign claims commission will be composed of one or more officers of the Air Force, each of whom has a background of legal training or business experience. At least one member of a commission consisting of more than one member will have had legal training and experience, and each member of a commission consisting of only one member will have had such training or experience. Claims may be approved in an amount in excess of $500 only by a commission of more than one member; claims may be approved in an amount not in excess of $500 by a commission of one or more members. However, individual members of a foreign claims commission composed of two or more members may act as the commission to approve claims not in excess of $500. Claims asserted in an amount in excess of $5,000 and not reduced by amendment to an amount within the jurisdiction of the commission will be disposed of as provided in § 836.80 (c) (1). The senior member of any commission comprising more than one member will be the president thereof.

(b) *Appointment.* The policy of the Department of the Air Force is to provide one or more foreign claims commissions for each foreign theater of operation, base, or comparable command in which claims against the Government within the provisions of §§ 836.61 to 836.83 may arise. A sufficient number of commissions will be appointed to permit the prompt and final settlement of claims within practicable contact with the points where the claims originate. Commissions will be appointed by the Secretary of the Air Force or his designee for that purpose.

(c) *Settlement of claims.* The approval, disapproval, or other disposition of claims is a statutory function of claims commissions. For the proper settlement of claims and to maintain uniformity of practice, the theater or other commander will, through the command staff judge advocate in accordance with policies prescribed by The Judge Advocate General, United States Air Force, exercise supervision in technical matters over all foreign claims commissions within his command.

§ 836.79 *Procedure.* So far as consistent with the provisions of §§ 836.61 to 836.83, the procedure set forth in §§ 836.1 to 836.7 (14 F. R. 5991–5993) will be followed. Investigation of claims arising out of accidents or incidents occurring in foreign countries, and of accidents and incidents occurring in foreign countries which may give rise to claims, whether within the foreign claims provision, or apparently within the provisions of other regulations, or the payment of which is not provided for by any statute or regulation, will be conducted in a manner similar to that prescribed in §§ 836.1 to 836.7 (14 F. R. 5991–5993), and will be of the scope, completeness, and character directed therein to the extent that the exigencies of the service will permit. Any claim will be considered if it states substantially the material facts with such definiteness as to give reasonable notice of the time, place, and nature of the accident or incident out of which the claim arose and an estimate or statement of the damage, loss, or destruction, and the amount claimed on account of personal injury or death, resulting. The claim should, before approval, be signed by or on behalf of the claimant and should, if practicable, be under oath.

§ 836.80 *Action by foreign claims commissions*—(a) *Consideration by the commission.* Upon receipt of a claim, together with the related report, by a foreign claims commission, it will consider such claim in connection with the report and such other and additional evidence as the commission may deem pertinent. The claim may be referred by the commission, for further investigation, to the commanding officer who caused the initial investigation to be made, or to such other authorities as may seem appropriate, or the commis-

sion itself may conduct an independent investigation. Upon disapproval of a claim in whole or in part by the foreign claims commission, the claimant will be notified in writing of the action taken and the reason therefor. No notice is necessary if the full amount claimed is approved for payment. The action of the commission in approving or disapproving a claim in whole or in part will be final and conclusive for all purposes. If the claim is approved for less than the full amount, a written statement should be obtained, if possible, from the claimant signifying his willingness to accept the amount so approved in full satisfaction and final settlement; if such statement is not obtained the claim may be approved in a lesser amount upon the express condition, to be stated in the action by the commission, that the claimant accepts such amount in full satisfaction and final settlement. No such acceptance agreement is necessary if the full amount claimed is approved for payment.

(b) *Payment of claims approved.* Upon approval of a claim in whole or in part, and (where required under paragraph (a) of this section) upon acceptance by the claimant of the amount approved in full satisfaction and final settlement, the claim, with related file, will be transmitted by the commission to the appropriate disbursing officer for payment. Provided that any such settlement by the commission will, when the amount exceeds $2,500 but does not exceed $5,000, be subject also to the approval of The Judge Advocate General, United States Air Force, or the Assistant Judge Advocate General (Civil Law). Such claims should be forwarded direct to The Judge Advocate General, United States Air Force, with the recommendations and findings of the commission.

(c) *Claims not within jurisdiction of foreign claims commissions*—(1) *Claims in excess of $5,000.* Claims within the foreign claims provision except that they exceed $5,000 and the claimant will not accept that amount in full satisfaction and final settlement will be forwarded promptly by the foreign claims commission direct to The Judge Advocate General, United States Air Force, for appropriate administrative action. Such claims will be forwarded although the commission finds that the claim is without merit and recommends that no payment be made. The commission will forward with any such claims its findings and any recommendations on the action to be taken (including its findings regarding the amount of property damage, loss, or destruction, or the amount payable on account of personal injury or death), together, if practicable, with a statement in writing from the owner of the property damaged, lost, or destroyed, or the person injured, or the legal representative of the person killed, signifying his willingness to accept the amount so determined in full satisfaction and final settlement.

(2) *Claims under other regulations.* Claims found by a foreign claims commission not to be within the foreign claims provision, but apparently within the provisions of the act of July 3, 1943 (57 Stat. 372 as amended; 31 U. S. C. 223b), or Article of War 105 (sec. 1, 41 Stat. 808; 10 U. S. C. 1577), will be disposed of by the commission in accordance with the provisions of §§ 836.30 to 836.44 (14 F. R. 5995–5997), or, as the case may be, will be transmitted direct to the offender's commanding officer for consideration under §§ 836.50 to 836.54 (14 F. R. 5997–5998). Claims found by the commission to be apparently within the provisions of Air Force Regulation 112–7 will be forwarded to The Judge Advocate General, United States Air Force, for appropriate administrative action. The commission will transmit or forward with any such claim its findings and its recommendation on the action to be taken.

§ 836.81 *Cooperation with Army, Navy, and Marine Corps.* Any claims, whether Air Force, Army, Navy, or Marine Corps, which may be settled under the Foreign Claims Act (55 Stat. 880 as amended; 31 U. S. C. 224d) may, at the request of the service concerned, be settled by any foreign claims commission appointed under that act even though not composed of officers of the service concerned. Accordingly, any commander of air forces may in the absence of Air Force foreign claims commission to which a claim apparently within the provisions of §§ 836.61 to 836.83 may conveniently be referred, refer such claim to any Army, Navy, or Marine Corps foreign claims commission appointed under the Foreign Claims Act which will settle such claim and take any and all other action as provided in the regulations of the service to which the officers comprising such commission belong.

§ 836.82 *Conditions of payment.* Prior to payment of any claim within the foreign claims provision, each of the following conditions must be fulfilled:

(a) The amount of the damage, loss, or destruction, or the amount payable on account of personal injury or death, must be determined.

(b) The payment must not exceed $5,000, but claims in excess of that amount may be reported to Congress for consideration.

(c) Claims by subrogees will not be recognized except as an element of the subrogor's claim.

(d) The claim must be presented within one year after the occurrence of the accident or incident out of which the claim arises. (See § 836.65 regarding the Philippines).

(e) Negligence or wrongful act of the claimant, in whole or in part the proximate cause, bars a claim unless not a bar to recovery on tort claims under local law or custom.

(f) The damage, loss, destruction, injury, or death must not have resulted from action by the enemy or directly or indirectly from any act by United States Armed Force engaged in combat.

(g) The property damaged, lost, or destroyed must belong to an inhabitant of the foreign country in which the accident or incident occurred, or belong to the country itself or a political subdivision thereof. (See § 836.65 regarding the Philippines.)

(h) The injury or death must be to an inhabitant of the foreign country where the accident or incident occurred. (See § 836.65 regarding the Philippines.)

(i) If the claimant is a national of a country at war with the United States, or of any ally of such an enemy country, there must be a determination by the foreign claims commission or by the local military commander that the claimant is friendly to the United States.

(j) The claim must be approved by a foreign claims commission and, if in excess of $2,500, must also be approved by The Judge Advocate General, United States Air Force, or the Assistant Judge Advocate General, (Civil Law).

(k) The claimant must accept, in full satisfaction and final settlement, the amount approved if less than the full amount claimed.

§ 836.83 *Claims of inhabitants of occupied countries.* The determination and settlement of claims of inhabitants of occupied countries arising out of Air Force activities are occupation tasks under the jurisdiction and control of the respective theater commanders and are not payable hereunder.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 50–1344; Filed, Feb. 16, 1950; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

In § 36.4342, paragraph (c) is amended to read as follows:

§ 36.4342 *Delegation of authority.*

* * *

(c) Nothing in this section shall be construed (1) to authorize any such employee to exercise the authority vested in the Administrator under section 504 or section 508 (b) of the act or to sue, or enter appearance for and on behalf of the Administrator or confess judgment against him in any court without his prior authorization; or, (2) to include the authority to exercise those powers reserved to the Administrator under §§ 36.4335, 36.4343 and 36.4344, or those delegated to the assistant administrator for finance, or director, loan guaranty service, under § 36.4343 or § 36.4344 of the regulations concerning guaranty or insurance of loans to veterans: *Provided,* That in any case where a loan which is sought to be guaranteed or insured under the provisions of § 36.4343 or § 36.4355 is made by a lender of the class described in section 500 (d) of the act without obtaining prior approval, the assistant administrator for finance, if he finds that such loan otherwise meets the requirements of the act and the regulations concerning guaranty or insurance of loans to veterans, may authorize the issuance of evidence of guaranty or insurance thereon.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation effective February 17, 1950.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-1284; Filed, Feb. 16, 1950; 8:47 a. m.]

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TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter Q—Specifications

[CGFR 49-43]

PART 161—ELECTRICAL EQUIPMENT

SUBPART 161.008—FLASHLIGHTS, ELECTRIC, HAND, FOR MERCHANT VESSELS

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275, and section 101 of Reorganization Plan No. 3 of 1946, 11 F. R. 7875, 60 Stat. 1097, 46 U. S. C. 1, the following corrections shall be made in Coast Guard Document CGFR 49-43, Federal Register Document 50-296, filed January 10, 1950, and published in the FEDERAL REGISTER dated January 11, 1950, 15 F. R. 128, 129:

1. Section 161.008-1 (a) (1) is corrected to read as follows:

§ 161.008-1 *Applicable specifications.* (a) * * *

(1) Federal specification:

W-B-101—Batteries and Cells; Dry.

2. Section 161.008-5 (d) is corrected to read as follows:

§ 161.008-5 *Detailed requirements.* * * *

(d) *Cells.* Each cell shall be of a quality to meet the requirements of flashlight cell designation General Purpose, size D, in accordance with Federal Specification W-B-101, as determined by the National Bureau of Standards Qualification Tests.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, sec. 5, 55 Stat. 244, as amended, sec. 101, Reorg. Plan 3 of 1946, 11 F. R. 7875, 3 CFR, 1946 Supp., 60 Stat. 1097; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275, 5 U. S. C. 133y-16)

Dated: February 13, 1950.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 50-1379; Filed, Feb. 16, 1950; 8:57 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR, Parts 35, 59, 60, 62, 65, 76, 78, 79, 94, 96, 102, 113, 115, 160]

[CGFR 50-2]

INSPECTION AND NAVIGATION REGULATIONS

MERCHANT MARINE COUNCIL PUBLIC HEARING ON PROPOSED CHANGES

1. The Merchant Marine Council will hold a public hearing on March 28, 1950, commencing at 9:30 a. m., in Room 4120, Coast Guard Headquarters, 13th and E Streets, NW., Washington, D. C., to consider proposed changes in regulations and termination of approval of certain equipment.

2. The proposed changes in the regulations, together with the authorities for making such changes, are generally described by subjects in paragraphs 4 to 19, inclusive, below. Copies of the proposed changes in the regulations have been mailed to persons and organizations who have expressed an active interest in the subjects under discussion. Copies of any of the proposed regulations may be obtained from the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., so long as they are available. After all extra copies available for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. Comments on the proposed regulations are invited. All persons who desire to submit written comments, data, and views, prior to the hearing for consideration in connection with the proposed changes, may submit them in writing for receipt prior to March 28 by the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., or comments, data, and views may be presented orally or in writing at the hearing. In order to insure consideration and to facilitate the checking and recording of comments, it is requested that each suggested rewording of a proposed regulation be submitted on a separate sheet of letter size paper, showing the section number (if possible) and the subject with item number; the proposed change; the reason or basis (if any); and the name, business firm (if any), and address of the submitter. The written comments, data, and views, should be submitted as soon as possible so they will be received prior to March 28 in order to insure consideration at the hearing and before recommendations are made concerning the proposed regulations and termination of approval of certain equipment.

ITEM I—LIFEBOATS FOR PILOT VESSELS

4. In accordance with a petition received, it is proposed to amend 46 CFR 59.6 and 60.4 add 46 CFR 94.9a to provide that vessels engaged exclusively in the business of furnishing pilots to vessels in need of their services may use their launches and/or yawls, when their total capacity is sufficient to accommodate all persons on board, in lieu of the standard lifeboats.

5. The authority for prescribing lifeboat requirements for pilot vessels is in R. S. 4405, 4426, 4488, and 4491, as amended, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 404, 481, 489, 50 U. S. C. 1275.

ITEM II—POSTING PLACARDS CONTAINING INSTRUCTIONS FOR USE OF BREECHES BUOY

6. It is proposed to add 46 CFR 78.15 and 96.15 and delete 46 CFR 79.17, which will clarify the requirements regarding posting of instructions for use of breeches buoy on Great Lakes vessels of 150 gross tons or over subject to inspection by the Coast Guard and will add a new requirement for the posting of similar instructions in the pilot-house, engine room, and in the seamen's, firemen's, and stewards' departments of every vessel of 150 gross tons or over subject to inspection by the Coast Guard which now are certificated for service on bays, sounds, and lakes other than the Great Lakes. This placard shows the methods for attaching a line to a vessel and how the breeches buoy may be used in effectuating a transfer of persons from a stranded vessel. Because many Coast Guard lifeboat stations are located along the bays and sounds of the United States, it is felt that personnel on vessels operating within Coast Guard rescue operation areas should be thoroughly familiar with the instructions and manner in which a breeches buoy may be used.

7. The authority for requiring the posting of placards containing instructions for use of breeches buoy is in R. S. 4405, 4426, 4488, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 404, 481, and 50 U. S. C. 1275.

ITEM III—MARKING OF FIRE AND EMERGENCY EQUIPMENT, ETC.

8. It is proposed to add new regulations to 46 CFR 35.7-1 to 35.7-9, 62.40, 78.40, 96.40, and 115.40, which will contain all requirements for marking of fire and emergency equipment, etc. These proposed regulations incorporate recommendations originally issued in Navigation and Vessel Inspection Circular No. 5-47, dated June 12, 1947, which was revised and reissued in a Circular No. 8-49, dated August 12, 1949. While some of the markings and signs are presently required by specific regulations, it is also felt desirable to have all requirements for marking of fire and emergency equipment, etc., placed in one group so that the operator or master of a vessel can easily keep track of the various requirements and provide for their maintenance or renewal after painting operations.

9. The authority for describing marking of fire and emergency equipment, etc., is in R. S. 4405, 4417a, 4426, and

4488, as amended, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 481, 1333, 50 U. S. C. 1275.

ITEM IV—INSPECTION OF LIFEBOATS WHEN BUILT

10. It is proposed to delete 46 CFR 59.14, 60.11, 65.12, 76.17, 94.16, 102.7, and 113.11, regarding inspection of lifeboats when built because the requirements in these sections have been revised and included in 46 CFR 160.035–10.

11. The authority for canceling these regulations regarding inspection of lifeboats when built is in R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 1, 367, 375, 391a, 396, 404, 474, 481, 489, 1333, 50 U. S. C. 1275.

ITEM V—INSPECTION OF LIFE RAFTS WHEN BUILT

12. It is proposed to delete 46 CFR 59.43, 60.30, 76.33, 94.33, and 113.30, regarding inspection of life rafts when built since the requirements have been revised and included in 46 CFR 160.018–7.

13. The authority for canceling the regulations regarding inspection of life rafts when built is in R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. 1275.

ITEM VI—CONSTRUCTION AND STOWAGE OF LIFE RAFTS

14. It is proposed to amend 46 CFR 59.44 and 60.31 by including requirements regarding the stowage of type A life rafts on new vessels and replacements on existing vessels.

15. The authority for regulations regarding construction and stowage of life rafts is in R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. 1275.

ITEM VII—TERMINATION OF APPROVAL OF POWER BOILERS

16. The termination of Approval No. 162.002/32/0, power boiler cyclotherm type MC–80, manufactured by the General Furnaces Corporation, 90 Broad Street, New York 4, N. Y., will be considered because the manufacturer has failed to complete the required test and the original approval is based on incomplete information. In the proposed termination of approval, it is intended that any boilers now in use may be continued in service so long as they are in good and serviceable condition.

17. The authority for terminating this approval is in R. S. 4405, 4429, 4433, 4491, as amended, 46 U. S. C. 375, 407, 411, and 489.

ITEM VIII—SPECIFICATIONS FOR LIFESAVING EQUIPMENT

18. It is proposed to publish in 46 CFR Part 160 new requirements for gas masks, self-contained breathing apparatus, and supplied-air respirators; flame safety lamps; first-aid kits; life raft skids; and jacknife (with can opener); as subparts 160.011, 160.016, 160.041, 160.042 and 160.043, respectively. These new specifications cover the manufacture of such items and will require approval of the Commandant before being used on merchant vessels. The present regulations relative to oxygen breathing apparatus, gas masks, and flame safety lamps, require such equipment to be of an approved type. The specification covering life raft skids is to carry out the requirement in the proposed amendments to 46 CFR 59.44 and 60.31 as described in paragraph 14 above. The specifications for first-aid kits and jackknives (with can opener) are proposed at this time in order to give manufacturers an opportunity to have such items of equipment available when the 1948 International Convention for Safety of Life at Sea may become effective.

19. The authority for prescribing specifications regarding lifesaving equipment is in R. S. 4405, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 404, 1333, 50 U. S. C. 1275.

Dated: February 10, 1950.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 50–1378; Filed, Feb. 16, 1950; 8:56 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

ABILENE LIVESTOCK SALES CO. ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the stockyards listed below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act:

KANSAS

Abilene Livestock Sales Co., Abilene.
Ashland Sales Co., Ashland.
Atwood Sale Barn, Atwood.
Belleville Sales Company, Belleville.
Beloit Sales Co., Beloit.
Central Livestock Sales, Inc., South Hutchinson.
Chandler Sales Company, Phillipsburg.
Clay Center Sales Company, Clay Center.
The Coldwater Sales Company, Coldwater.
Council Grove Sale Company, Council Grove.
Downs Sales Company, Downs.
Fred Doll Livestock Sales Company, Larned.
Goodland Livestock Commission Company, Inc., Goodland.
Haverfield Livestock Co., Dighton.
Haverfield Livestock Co., Scott City.
Herington Community Sales, Herington.
Hutchinson Sales Pavilion, Hutchinson.
Junction City Livestock Sales Co., Junction City.
Kiowa Sales Company, Kiowa.
Leoti Livestock Sales Company, Leoti.
Liberal Sales Company, Inc., Liberal.
Livestock Sales Co., Inc., Hays.
Lyons Sale Pavilion, Lyons.
Mankato Sales Company, Mankato.
Marysville Livestock and Commission Co., Marysville.
Ness City Livestock Commission Sales Co., Ness City.
Norton Livestock Commission Company, Norton.
Oakley Livestock Sales Company, Oakley.
Osage City Livestock Sales Pavilion, Osage.
Osborne Livestock Commission Co., Osborne.
Pratt Livestock Commission Company, Pratt.
Quinter Sale Barn, Quinter.
Rexford Livestock Commission Company, Meade.
Rush County Sales, LaCrosse.
Russell Sale Pavilion, Russell.
Stockyards Commission Company, Great Bend.
Sylvan Sales Company, Sylvan Grove.
Syracuse Sales Company, Inc., Syracuse.
Tri-State Sale Company, Inc., Elkhart.
Wakeeney Livestock Commission Co., Wakeeney.
J. A. Weigand Commission Company, La Crosse.

TEXAS

Columbus Livestock Commission Co., Columbus.
Corsicana Auction Company, Corsicana.
O. L. Colley Livestock Commission Co., Mount Pleasant.
Seymour Livestock Commission Co., Seymour.
Sulphur Springs Livestock Commission Company, Sulphur Springs.
Vernon Stockyards Company, Vernon.
Wichita Falls Livestock Auction, Wichita Falls.

IDAHO

Blackfoot Auction and Commission Company, Blackfoot.
Burley Livestock Commission Company, Burley.
Cottonwood Sales Yard, Cottonwood.
Gooding Livestock Commission Co., Gooding.
Jerome Livestock Commission Company, Jerome.
Payette Auction Company, Payette.
Rexburg Livestock Auction Company, Rexburg.
Weiser Livestock Commission Company, Weiser.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit within 15 days of the publication of this notice any data, views or argument, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 13th day of February 1950.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 50–1384; Filed, Feb. 16, 1950; 8:58 a. m.]

[7 CFR, Part 68]

UNITED STATES STANDARDS FOR BEANS[1]

NOTICE OF PROPOSED REVISION

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the items for Market Inspection of Farm Products and Marketing Farm Products, recurring in the annual appropriation acts for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Congress, 63 Stat. 324; 7 U. S. C. Supp. 414), the United States Department of Agriculture is considering the revision, as herein proposed, of the United States Standards for Beans. The aforesaid standards have been in effect since September 1, 1941. The revision, as proposed, will eliminate the special grades for Handpicked Beans and substitute in lieu thereof an Extra No. 1 Grade for all classes of beans. This Extra No. 1 Grade will represent beans of exceptionally high quality suitable for use by the packaging industry. Changes are proposed in the grade requirements for Blackeye Beans, Cranberry Beans and Pinto Beans to bring them in line with current production and marketing practices. It is proposed that these three classes be graded in accordance with the same requirements, which are somewhat more liberal than those now applied in the grading of Blackeye Beans, and Cranberry Beans. Several other changes of a minor nature are proposed which are designed to make the standards applicable to all kinds and types of beans produced and marketed in the United States.

It is proposed to issue the revised standards as Subpart B of Part 68 in Title 7 of the Code of Federal Regulations to read as follows:

SUBPART B—UNITED STATES STANDARDS FOR BEANS

Sec.

§ 68.101 *Terms defined.* For the purposes of the United States Standards for Beans:

(a) *Beans.* Beans shall be dry threshed field and garden beans, whole and split, commonly used for edible purposes.

(b) *Classes.*[2] Beans shall be divided into classes as follows, each of which, except mixed beans, may contain not more than 2.0 percent of beans of contrasting classes and not more than 15.0 percent of beans of other classes that blend:

Pea beans (the type as grown in the Great Lakes region, known also as Navy beans);
Medium White beans (the type as grown in the Great Lakes region);
Marrow beans (not including Red Marrow);
Great Northern beans;
Small White beans (the type as grown on the Pacific Coast, not including Tepary beans);
Flat Small White beans (the type as grown in northern Idaho);
Large White beans (the type as grown on the Pacific Coast);
White Kidney beans;
Light Red Kidney beans;
Dark Red Kidney beans;
Western Red Kidney beans (the type of light red kidney beans as grown on the Pacific Coast);
Yelloweye beans (the type as grown in New York State);
Old Fashioned Yelloweye beans (the type as grown in the New England States);
Small Red beans (known also as Red Mexican, California Red, and Idaho Red);
Pink beans;
Bayo beans;
Mung beans;
Blackeye beans (cowpeas of the Blackeye variety);
Cranberry beans (known also as Speckled Cranberry and Horticultural Pole);
Pinto beans (including the Mexican Pinto type but not the type known as Spotted Red Mexican);
Large Lima beans (having characteristics of the Large White Pole and Burpee Bush Lima type);
Baby Lima beans (having characteristics of Small White Lima beans of the Henderson Bush and similar types);
Classes of Miscellaneous Lima beans. Lima beans which do not come within the classes Large Lima or Baby Lima shall be classified and designated according to their commonly accepted commercial name which shall constitute the class name.
Classes of Miscellaneous beans. Beans that are not otherwise classified in these standards shall be classified and designated according to their commonly accepted commercial name which shall constitute the class name.
Mixed beans. Mixed beans shall be any mixture of beans not within the classes provided for above.

(c) *Grades.* Grades shall be the numerical grades, substandard grades, sample grades, and special grades provided for herein.

(d) *Sound beans.* Sound beans shall be whole beans which are free from defects.

(e) *Defects.* Defects shall include splits, damaged beans, contrasting classes, and foreign material.

(f) *Splits.* Splits shall be pieces of beans which are not damaged and which consist of three-fourths or less of the whole bean and shall include beans the halves of which are held together loosely.

(g) *Damaged beans.* Damaged beans shall be beans and pieces of beans which are damaged by frost, weather, disease, insects, or other causes.

(h) *Badly damaged beans.* Badly damaged beans shall be beans and pieces of beans which are badly damaged by frost, weather, disease, or insects, or which are otherwise materially damaged.

(i) *Foreign material.* Foreign material shall be stones, dirt, weed seeds, cereal grains, and all other matter than beans.

(j) *Stones.* Stones shall be foreign material which consists of rocks, stones, pebbles, shale, other concreted earthy or mineral matter, and other substances of similar hardness that do not disintegrate readily in water.

(k) *Contrasting classes.* Contrasting classes shall be beans of other classes which are of a contrasting color, size, or shape to the beans of the class designated.

(l) *Classes that blend.* Classes that blend shall be sound beans of other classes which are similar in color, size, and shape to the beans of the class designated, and shall include "sports" in the classes Light Red Kidney, Dark Red Kidney, and Western Red Kidney, and white beans in the Yelloweye classes which are similar in size and shape to the Yelloweye beans.

(m) *Broken beans.* Broken beans shall be sound beans with less than one-fourth of the bean broken off or with one-fourth or more of the seed coat removed.

(n) *Blistered beans.* Blistered beans shall be sound beans with badly blistered or burst seed coats.

(o) *Wrinkled beans.* Wrinkled beans shall be sound beans which have deeply wrinkled seed coats and which are badly warped or misshapen.

(p) *Weevily beans.* Weevily beans shall be beans which are infested with weevils or other insects injurious to stored beans or which contain beans that have been damaged by such weevils or other insects.

(q) *Well screened.* Well screened, as applied to the general appearance of beans, shall mean that the beans are practically free from such small, shriveled, underdeveloped and split beans and foreign material as can be removed readily in the ordinary processes of milling or screening.

(r) $^{30}/_{64}$ *Sieve.* A metal sieve 0.032 inch thick perforated with round holes $^{30}/_{64}$ inch in diameter.

(s) $^{28}/_{64}$ *Sieve.* A metal sieve 0.032 inch thick perforated with round holes $^{28}/_{64}$ inch in diameter.

(t) $^{24}/_{64}$ *Sieve.* A metal sieve 0.032 inch thick perforated with round holes $^{24}/_{64}$ inch in diameter.

§ 68.102 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of beans:

(a) *Basis of determinations.* The determination of moisture shall be upon the basis of the beans when free from that portion of foreign material which can be removed readily by the use of appropriate sieves or cleaning devices. The determination of "off-color" shall be upon the basis of the beans after the removal of defects. All other determinations shall be upon the basis of the beans as a whole.

(b) *Percentage.* Percentages shall be upon the basis of weight.

(c) *Percentage of moisture.* Percentage of moisture shall be ascertained by the water-oven method described in Service and Regulatory Announcements No. 147 (revised August 1941) of the Agricultural Marketing Service (now Production and Marketing Administration) of the United States Department of Agriculture, or ascertained by any method which gives equivalent results. The percentage of moisture shall be stated in terms of

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[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.)

[2] The use of a variety name in the designation of the class of beans does not imply any guarantee of varietal purity.

whole and half percent. A fraction of a percent when equal to or greater than one-half shall be stated as one-half and when less than one-half shall be disregarded.

§ 68.103 *Grades, grade requirements and grade designations.* The following grades, grade requirements and grade designations are applicable under these standards:

(a) *Grades and grade requirements for the classes Pea, Medium White, Marrow, Great Northern, Small White, Flat Small White, Large White, White Kidney, Light Red Kidney, Dark Red Kidney, Western Red Kidney, Yelloweye, Old Fashioned Yelloweye, Small Red, Pink, Bayo and Mung beans, and the classes of Miscellaneous beans. (See also (f) Special Grades).*

Grade [1]	Maximum limits of—				
	Defects consisting of splits, damaged beans, contrasting classes, and foreign material				Other classes that blend
	Total	Contrasting classes	Foreign total	Material stones	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
U. S. Extra No. 1 [2]	1.0	0.1	Trace	Trace	2
U. S. No. 1	2.0	.5	0.5	0.2	5
U. S. No. 2	4.0	1.0	1.0	.4	10
U. S. No. 3	6.0	2.0	1.5	.6	15
U. S. Substandard	U. S. Substandard shall include beans of any one of these classes which are not well screened or which otherwise do not come within the requirements of the specifications for the grade U. S. Extra No. 1, U. S. No. 1, U. S. No. 2, or U. S. No. 3, or for the grade of U. S. Sample grade.				
U. S. Sample Grade	U. S. Sample grade shall include beans of any one of these classes which are musty, or sour, or heating, or materially weathered, or which are weevily, or which are otherwise of distinctly low quality.				

[1] The beans in grades U. S. Extra No. 1, U. S. No. 1, U. S. No. 2, and U. S. No. 3 of any one of these classes shall be well screened.

[2] The beans in grade U. S. Extra No. 1 of any one of these classes shall be of good natural color, and may contain not more than 0.2 percent badly damaged beans, not more than 5.0 percent broken beans, and not more than 17 percent moisture.

(b) *Grades and Grade requirements for the classes Blackeye, Cranberry, and Pinto beans (see also (f) Special Grades).*

Grade [1]	Maximum limits of—					
	Defects consisting of splits, damaged beans, contrasting classes, and foreign material					Other classes that blend
	Total	Damaged beans	Contrasting classes	Foreign material		
				Total	Stones	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U. S. Extra No. 1 [2]	2	1	0.1	Trace	Trace	2
U. S. No. 1	4	2	.5	0.5	0.2	5
U. S. No. 2	6	4	1.0	1.0	.4	10
U. S. No. 3	8	6	2.0	1.5	.6	15
U. S. Substandard	U. S. Substandard shall include beans of any one of these classes which are not well screened or which otherwise do not come within the requirements of the specifications for the grades U. S. Extra No. 1, U. S. No. 1, U. S. No. 2, or U. S. No. 3, or for the grade U. S. Sample grade.					
U. S. Sample Grade	U. S. Sample grade shall include beans of these classes which are musty, or sour, or heating or materially weathered, or which have any commercially objectionable odor, or which are weevily, or which are otherwise of distinctly low quality.					

[1] The beans in the grades U. S. Extra No. 1, U. S. No. 1, U. S. No. 2, and U. S. No. 3 of each of these classes shall be well screened.

[2] The beans in the grade U. S. Extra No. 1 of any of these classes shall be of good natural color and may contain not more than 0.2 percent badly damaged beans, not more than 5.0 percent broken beans, and not more than 17 percent moisture.

(c) *Grade requirements for the classes Large Lima, Baby Lima beans, and the classes of Miscellaneous Lima beans (see also (f) Special Grades).*

Grade [1]	Maximum limits of—							
	Blistered, wrinkled and/or broken	Splits	Defects consisting of damaged beans, contrasting classes, and foreign material					Other classes that blend
			Total	Badly damaged beans	Contrasting classes	Foreign material		
						Total	Stones	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U. S. Extra No. 1 [2 3]	2	2	1	0.5	0.1	Trace	Trace	2
U. S. No. 1 [4]	3	3	2	1.0	.5	0.5	0.2	5
U. S. No. 2 [5]	5	5	3	1.5	1.0	1.0	.3	10
U. S. No. 3 [4]	8	8	5	2.0	2.0	1.5	.6	15
U. S. Substandard	U. S. Substandard shall include beans of any one of these classes which are not well screened or which otherwise do not come within the requirements of the specifications for the grades U. S. Extra No. 1, U. S. No. 1, U. S. No. 2, or U. S. No. 3 or for the grade U. S. Sample grade.							
U. S. Sample Grade	U. S. Sample grade shall include beans of any of these classes which are musty, or sour, or heating, or materially weathered, or which have any commercially objectionable odor, or which are weevily or which are otherwise of distinctly low quality.							

[1] The beans in the grades U. S. Extra No. 1, U. S. No. 1, U. S. No. 2, and U. S. No. 3 of any one of these classes shall be well screened.

[2] The beans in the grade U. S. Extra No. 1 of any of these classes shall be of good natural color, and may contain not more than 17 percent moisture.

[3] The beans in the grade U. S. Extra No. 1 of the class Large Lima may contain not more than 20 percent of beans that will pass through a No. 30/64 sieve, which 20 percent may include not more than 5 percent of beans that will pass through a No. 28/64 sieve.

[4] The beans in the grade U. S. No. 1 of the class Large Lima may contain not more than 25 percent of beans that will pass through a No. 28/64 sieve, which 25 percent may include not more than 5 percent of beans that will pass through a No. 24/64 sieve.

[5] The beans in the grades U. S. No. 2 and U. S. No. 3 of the class Large Lima may contain not more than 40 percent of beans that will pass through a No. 28/64 sieve, which 40 percent may include not more than 5 percent of beans that will pass through a No. 24/64 sieve.

(d) *Grade designations.* The grade designation for all classes of beans, except Mixed beans, shall include in the order named the letters "U. S.," the name or number of the grade, and the name of the class. In addition, the designation for the grade U. S. Substandard shall include the percentage each of sound beans, splits, damage, contrasting classes, and foreign material.

(e) *Grade requirements and grade designation for the class Mixed beans*—(1) *Grade requirements.* Mixed beans shall be graded according to the grade requirements of the class of beans which predominates in the mixture, except that the factors "Contrasting Classes" and "Other Classes that Blend," and the factor of size in the case of mixtures in which the class Large Lima predominates, shall be disregarded.

(2) *Grade designation.* The grade designation for the class Mixed beans shall include, in the order named, the letters "U. S.," the number or name of the grade as the case may be, and the words "Mixed beans," followed by the name and approximate percentage of each class of beans which is contained in the mixture.

(f) *Special grades, special grade requirements, and special grade designations for all classes of beans*—(1) *High Moisture beans*—(i) *Requirements.* High moisture beans shall be beans of any class which contain more than 18 percent of moisture.

(ii) *Grade designations.* High moisture beans shall be graded and designated according to the grade requirements of the standards otherwise applicable to such beans and there shall be added to, and made a part of, the grade designation, following the name of the class, the words "high moisture" followed by a statement of the percentage thereof.

(2) *Off-color beans*—(i) *Requirements.* Off-color beans shall be beans of any class that, en masse, are distinctly off-color due to age or to any other natural cause but which are not materially weathered.

(ii) *Grade designations.* Off-color beans shall be graded and designated according to the grade requirements of

the standards applicable to such beans if they were not off-color, and there shall be added to, and made a part of, the grade designation, following the name of the class, the word "off-color."

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision of the United States Standards for Beans as set forth above may do so by filing them in quadruplicate with the Director of the Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Issued this 13th day of February 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-1383; Filed, Feb. 16, 1950; 8:58 a. m.]

[7 CFR, Part 962]

[Docket No. AO 162-A2]

FRESH PEACHES GROWN IN GEORGIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Supp. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR and Supps. Part 900), notice is hereby given of a public hearing to be held at Lanier Hotel, 553 Mulberry Street, Macon, Georgia, beginning at 10:00 a. m., e. s. t., February 23, 1950, with respect to proposed amendments to the marketing agreement and order No. 62 (7 CFR, Part 962), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of fresh peaches grown in the State of Georgia. These proposals have not received the approval of the Secretary of Agriculture.

Such public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments have been proposed by the Administrative Committee, established pursuant to the aforesaid marketing agreement and order:

1. Delete section 1 (b) of the marketing agreement and § 962.3 (b) of the order and substitute therefor the following:

(b) "Act" means the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

2. Delete section 1 (f) of the marketing agreement and § 962.3 (f) of the order and substitute therefor the following:

(f) "Shipper" is synonymous with "handler" and means any person who, as owner, agent, or otherwise, handles peaches.

3. Delete section 1 (g) of the marketing agreement and § 962.3 (g) of the order and substitute therefor the following:

(g) "Ship" is synonymous with "handle" and means to sell, transport, or in any other way (except as a common or contract carrier of peaches owned by another person) to place peaches, in fresh form, in the current of commerce between the State of Georgia and any point outside thereof.

4. Add to section 1 of the marketing agreement and to § 962.3 of the order the following new paragraph:

(k) "Adjacent markets" means the States of Florida, Alabama, Tennessee, North Carolina, and South Carolina. Such term also means any designated region or regions of the foregoing area.

5. Delete section 2 (k) of the marketing agreement and § 962.4 (k) of the order and substitute therefor the following:

(k) *Compensation and reimbursement for expenses.* Each member of the Industry Committee, and each alternate member when acting for a member or when designated by the committee to attend, may receive compensation in an amount not in excess of five dollars ($5.00) per day (1) for attending each meeting of the committee; (2) while attending to such committee business as may be authorized by the committee; and (3) for attending each consultation or conference with any committee, or representatives thereof, established under any marketing agreement and order program, pursuant to the act, with respect to the handling of peaches grown in the area or in any State outside of the area. In addition to said compensation, each of the aforesaid members and alternate members may be reimbursed for all reasonable expenses necessarily incurred in attending each such meeting, conference, or consultation, or while attending to such committee business.

6. Delete subparagraph (8) of section 2 (m) of the marketing agreement and § 962.4 (m) of the order and substitute therefor the following:

(8) To consult with any other committee established under any marketing agreement and order program, pursuant to the aforesaid act, with respect to the handling of peaches in the area or in any State outside of the area; and to authorize members and alternate members of the Distributors' Advisory Committee to attend such conferences and consultations;

7. Delete subparagraph (14) of section 2 (m) of the marketing agreement and § 962.4 (m) of the order and substitude therefor the following:

(14) To supervise the regulation of shipments of peaches pursuant hereto;

8a. Delete the word "and" at the end of subparagraph (16) of section 2 (m) of the marketing agreement and § 962.4 (m) of the order.

b. Delete the period at the end of subparagraph (17) of section 2 (m) of the marketing agreement and § 962.4 (m) of the order and substitute therefor a semicolon and the word "and."

c. Add to section 2 (m) of the marketing agreement and § 962.4 (m) of the order the following new subparagraph:

(18) To investigate and to assemble data with respect to the growing, harvesting, shipping, and marketing conditions relating to peaches.

9. Delete subparagraph (2) of section 2 (n) of the marketing agreement and § 962.4 (n) of the order and substitute therefor the following:

The Industry Committee may provide for the members thereof, including the alternates when acting as members, to vote by mail, telephone, teletypewriter, telegraph, or radiograph, and any such vote by telephone shall be confirmed promptly in writing: *Provided*, That if any assembled meeting of the committee is held, all votes shall be cast in person.

10. Delete subparagraph (5) of section 2 (p) of the marketing agreement and § 962.4 (p) of the order and substitute therefor the following:

(5) The Distributors' Advisory Committee may submit its recommendations to each meeting of the Industry Committee relative to recommendations with respect to the regulation of shipments pursuant hereto. When authorized by the Industry Committee, members and alternate members of the Distributors' Advisory Committee may attend and participate in conferences and consultations with any other committee, or representatives thereof, established under any marketing agreement and order program, pursuant to the act, with respect to the handling of peaches grown in the area or in any State outside of the area.

11. Delete subparagraph (6) of section 2 (p) of the marketing agreement and § 962.4 (p) of the order and substitute therefor the following:

(6) Each member of the Distributors' Advisory Committee, and each alternate member when acting for a member, may receive from the Industry Committee compensation and reimbursement for all reasonable expenses necessarily incurred for attendance, when authorized by the Industry Committee, at each meeting of the Distributors' Advisory Committee and at each conference or consultation, as aforesaid, and while attending to such business of the Distributors' Advisory Committee as may be approved by the Industry Committee. The rates of compensation and reimbursement for reasonable expenses incurred, as aforesaid, shall be the same as those applicable to members and alternate members of the Industry Committee.

12. Delete subparagraph (1) of section 3 (b) of the marketing agreement and § 962.5 (b) of the order and substitute therefor the following:

(1) Each handler who first ships peaches shall pay, upon demand, to the Industry Committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal period: *Provided*, That no assessment shall be paid for (i) any shipment of peaches for manufacturing, processing, canning, or conversion into by-products on a commercial scale, or (ii) any shipment of peaches for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency, or for distribution by nonprofit school lunch agencies, or (iii) any shipment made by express or parcel post, or (iv) shipments of peaches to any person during any day by such handler if such shipments, in the aggregate do not exceed the equivalent of five (5) bushels. Such handler's pro rata share of such expenses shall be equal to the ratio between the total assessable quantity of peaches shipped by such handler as the first shipper thereof, during the applicable fiscal period, and the total assessable quantity of peaches shipped by all handlers as the first shippers thereof during the same fiscal period. The Secretary shall specify the rate of assessment to be paid by such handlers.

13. In § 962.7 (c) of the order change the section references "962.5 (a)" and "962.5 (b)" to "962.7 (a)" and "962.7 (b)", respectively.

14. Delete paragraphs (a), (b), and (c) (1) of section 6 of the marketing agreement and § 962.8 of the order and substitute therefor the following:

§ 962.8 *Regulation of shipments. (Section 6 of the marketing agreement.)*—(a) *By grades and sizes*—(1) *Industry Committee recommendations.* Whenever the Industry Committee deems it advisable to limit the shipment of any variety or varieties of peaches, it shall recommend to the Secretary the grades or sizes, or both, thereof deemed advisable by it to be shipped during a specified period or periods. The Industry Committee may also recommend a separate grade and size regulation to be applicable to shipments of any variety or varieties of peaches to "adjacent markets." At the time of submitting any such recommendation, the Industry Committee shall submit to the Secretary the supporting data and information upon which it acted in making such recommendation, and shall give consideration, among other things, to the factors required to be considered in connection with the marketing policy. The committee shall submit such other data and information as may be requested by the Secretary. The committee shall promptly give adequate notice to handlers and growers of any such recommendation submitted by it to the Secretary.

(2) *Establishment of grade and size regulations.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee or from other available information, that to limit the shipment of any variety or varieties of peaches to particular grades or sizes, or both, would tend to effectuate the declared policy of the act, he shall so limit the shipment of peaches during a specified period or periods. The Secretary may prescribe also a separate grade and size regulation applicable to any variety or varieties of peaches shipped to destinations in the adjacent markets. The Secretary shall immediately notify the committee of the issuance of each such regulation, and the committee shall promptly give adequate notice thereof to handlers and growers.

(3) *Safeguards.* The Industry Committee may, with the approval of the Secretary, prescribe adequate safeguards to prevent peaches of the separate grade and size permitted to be shipped to destinations in adjacent markets from being shipped to markets other than such designated adjacent markets.

(b) *By minimum standards of quality and maturity*—(1) *Industry Committee recommendation.* Whenever the Industry Committee deems it advisable to establish minimum standards of quality or maturity, or of both quality and maturity, to govern shipments of peaches pursuant to this paragraph, it shall recommend to the Secretary the particular minimum standards which shipments of such peaches must meet. Each such recommendation of the committee shall be in terms of (i) minimum standards of maturity; (ii) minimum standards of quality, including but not being limited to, freedom from damage by worms and wormholes and freedom from decay, or (iii) any combination or combinations of the foregoing. At the time of submitting each such recommendation to the Secretary, the Industry Committee shall also submit the supporting data and information upon which it acted in making such recommendation. The said committee shall also furnish such other data and information as may be requested by the Secretary.

(2) *Establishment of minimum standards of quality and maturity.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standards of quality or maturity, or of both quality and maturity, for peaches and to limit the shipment of such peaches to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such standards, and so limit the shipment of such peaches. The Secretary shall immediately notify the Industry Committee of the minimum standards so established.

(c) *Exemption certificates.* (1) The Industry Committee shall, subject to the conditions set forth in this paragraph, provide for the issuance of exemption certificates to growers: *Provided*, That exemption certificates shall not be issued with respect to any peaches during any period when a regulation, pursuant to this section, is then in effect and prescribes a separate grade or size for peaches that may be shipped to the adjacent markets. The Industry Committee shall, subject to the approval of the Secretary, adopt procedural rules to govern the issuance of exemption certificates, and, after their approval by the Secretary, the Committee shall give adequate notice of such rules to handlers and growers. In the event the Secretary issues a regulation pursuant to § 962.8 (Section 6 of the marketing agreement) hereof, the Industry Committee shall determine the percentage which the grades or sizes, or both, of each variety of peaches permitted to be shipped from each district, by such regulation issued by the Secretary, is of the total quantity of each variety of peaches which could be shipped from the respective district in the absence of the grade or size regulation, or both. An exemption certificate shall thereafter be issued to any grower who furnishes proof, satisfactory to the Industry Committee, that by reason of conditions beyond his control he will be prevented because of the regulation established, from shipping a percentage of a particular variety of peaches equal to the percentage determined as aforesaid. Such exemption certificate shall permit the respective grower to whom the certificate is issued to ship such quantity of the particular variety of peaches of the regulated grades or sizes, or both, of such variety as will enable such grower to ship or to have shipped as large a percentage of such variety of the respective grower's peaches as the average percentage of that particular variety of peaches that is permitted to be shipped by all growers in the respective district. No exemption certificate shall be granted to include peaches which do not meet the requirements of the maturity regulation issued pursuant to § 962.7 (Section 5 of the marketing agreement) hereof. The Industry Committee shall maintain a record of all applications submitted for exemption certificates pursuant to the provisions of this section; and the committee shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of peaches thus to be exempted, and a record of all shipments of exempted peaches; and such additional information shall be recorded in the records of the committee as the Secretary may specify. The Industry Committee shall from time to time submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of peaches thus exempted, and such additional information as may be requested by the Secretary.

15. Add to section 6 of the marketing agreement and § 962.8 of the order the following new paragraph:

(d) *Modification, suspension, or termination.* Whenever the Industry Committee deems it advisable to recommend to the Secretary the modification, suspension, or termination of any or all of the regulations established pursuant to paragraphs (a) and (b) of this section, it shall so recommend to the Secretary. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that to modify any such regulations will tend to effectuate the declared policy of the act, he shall so modify such regualtions. If the Secretary finds, upon the basis of such recommendation or upon the basis

of other available information, that any such regulations obstruct or do not tend to effectuate the declared policy of the act he shall suspend or terminate such regulations. The Secretary shall immediately notify the Industry Committee, and such committee shall promptly give notice to handlers and growers of the issuance of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

16. Delete section 7 of the marketing agreement and § 962.9 of the order and substitute therefor the following:

§ 962.9 *Inspection and certification. (Section 7 of the marketing agreement.)* During any period in which the shipment of peaches is regulated pursuant to the provisions hereof, each handler shall, prior to making each shipment of peaches, cause each such shipment to be inspected by a Federal or Federal-State inspector: *Provided*, That this requirement shall not be applicable to (a) any shipment of peaches which has been so inspected; (b) any shipment of peaches for manufacturing, processing, canning, or conversion into by-products on a commercial scale; (c) any shipment of peaches for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency or for distribution by nonprofit school lunch agencies; (d) peaches shipped by express or parcel post; or (e) peaches included in shipments of peaches to any person during any day by such handler if such shipments, in the aggregate do not exceed the equivalent of five (5) bushels. Each handler shall, promptly after making each shipment of peaches, submit to the Industry Committee a copy of the certificate or memorandum issued by the Federal-State inspection service with regard to the respective shipment of peaches, and such certificate or memorandum shall state the maturity of the peaches in such shipment and in the event of grade regulation such certificate or memorandum shall also state the grade or grades of peaches in such shipment, and in the event of size regulation such certificate or memorandum shall also state the size or sizes of peaches in such shipment. The aforesaid certificates or memorandum shall also state whether the peaches in the respective shipment meet the requirements of the maturity, grade, and size regulations, respectively, effective pursuant hereto.

17. Delete section 9 of the marketing agreement and § 962.11 of the order and substitute therefor the following:

§ 962.11 *Peaches not subject to regulation. (Section 9 of the marketing agreement.)* Peaches shipped for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency or distribution by non-profit school lunch agencies or peaches for manufacturing, processing, canning, or conversion into byproducts on a commercial scale or peaches shipped by express or parcel post, or peaches included in shipments of peaches to any person during any day by any handler if such shipments in the aggregate, do not exceed the equivalent of five (5) bushels shall be exempt from the provisions hereof. The Secretary may prescribe, on the basis of the recommendation and the information submitted to the Secretary by the Industry Committee, or on the basis of any other available information, adequate safeguards to prevent peaches, exempted by the provisions of this section, from entering the commercial channels of trade for consumption in fresh form.

The following amendments have been proposed by the Fruit and Vegetable Branch, Production and Marketing Administration:

18. Renumber the sections, paragraphs, subparagraphs, and subdivisions throughout the order in accordance with the revised FEDERAL REGISTER Regulations, and make similar conforming changes in the numbering of the provisions of the marketing agreement.

19. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or from the Southeastern Marketing Field Office of the Fruit and Vegetable Branch, Production and Marketing Administration, 449 West Peachtree Street, Atlanta 3, Georgia.

Filed at Washington, D. C., this 15th day of February, 1950.

[SEAL] ROY W. LENNARTSON,
Acting Assistant Administrator.

[F. R. Doc. 50-1429; Filed, Feb. 16, 1950; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

CLASSIFICATION ORDER

FEBRUARY 3, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 81.01 acres,

NEVADA SMALL TRACT CLASSIFICATION NO. 48

For lease and sale for homesites only:

T. 22 S., R. 61 E., M. D. M.,
Sec. 5, Tracts numbered 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 (formerly Lots 3 and 4).

The land is situated in Clark County, Nevada, about six miles south of the city of Las Vegas, one of the largest towns in the state. It can be reached over U. S. Highway 91. The land is desert in character. The area is one that is used extensively for health and recreational purposes.

2. As to applications regularly filed prior to 10:15 a. m., November 24, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., April 7, 1950. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., April 7, 1950, to the close of business on July 6, 1950.

(b) Advance period for veterans' simultaneous filings from 10:15 a. m., November 24, 1948, to 10:00 a. m., April 7, 1950.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., July 7, 1950.

(a) Advance period for simultaneous nonpreference filings from 10:15 a. m., November 24, 1948, to 10:00 a. m., July 7, 1950.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 2½ acres, each being approximately 330 by 330 feet.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $125.00 per tract, application for which may be filed at or after the expiration of one year from date the lease is issued.

9. Tracts will be subject to rights-of-way for road purposes and public utilities as follows:

16½ feet along the south side of Tracts 29 to 36, both inclusive.
16½ feet along the north side of Tracts 21 to 28, both inclusive.
16½ feet along the south side of Tracts 13 to 20, both inclusive.
16½ feet along the east side of Tracts numbered 7, 9, 11, 14, 16, 18, 23, 24, 25, 27, 30, and 32.
16½ feet along the west side of Tracts numbered 6, 8, 10, 15, 17, 19, 22, 24, 26, 31, 33, and 35.

Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Acting Manager, Nevada Land and Survey Office, Reno, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 50-1365; Filed, Feb. 16, 1950; 8:52 a. m.]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER NO. 87 AMENDED

JANUARY 24, 1950.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948, California Small Tract Classification Order No. 87 dated August 27, 1948, is hereby amended by deleting therefrom portions of Lot 1 of the NE¼ of Sec. 6 now described as Tracts 40, 41, 42, 59 and 60, and by deleting portions of the E½ of Lot 1 of the NW¼ of Sec. 6 now described as Tracts 43, 44, 45, 46, 55, 56, 57 and 58, and by deleting Lot 1 of the SW¼ of Sec. 6 now described as Tracts 67, 68, 69, 70, 79, 80, 81, 82, 83, 84, 85, 86, 95, 96, 97 and 98, and by deleting the W½NW¼NW¼SE¼ of said Sec. 6, all in Township 1 North, Range 8 East, S. B. M.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 50-1363; Filed, Feb. 16, 1950; 8:52 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

FEBRUARY 3, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 119.87 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 199

For lease and sale for homesites only:

T. 11 S., R. 3 E., S. B. M.,
Sec. 20, lot 2 and W½SW¼.

Leases will not be issued for the land in Lot 2 until a supplemental plat has been prepared dividing the subdivision into tracts and assigning tract numbers.

The land is located in San Diego County, California, about 7 miles north of the town of Santa Ysabel. It can be reached over State Highway 79 and is about 60 miles northeast of San Diego. There are no public utilities available, but domestic water can probably be developed at reasonable expense. Schools are available at Santa Ysabel and Warner Springs and at both towns there are general stores, churches, etc. The area is one that is considered desirable from the standpoint of health and recreation.

2. As to applications regularly filed prior to 8:30 a. m., December 28, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., April 7, 1950. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., April 7, 1950, to the close of business on July 6, 1950.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., December 28, 1948, to 10:00 a. m., April 7, 1950.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., July 7, 1950.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., December 28, 1948, to 10:00 a. m., July 7, 1950.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $50.00 per tract, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 50-1364; Filed, Feb. 16, 1950; 8:52 a. m.]

[Misc. No. 55412]

ALASKA

RESTORATION ORDER NO. 1290 UNDER FEDERAL POWER ACT

FEBRUARY 10, 1950.

Pursuant to the following-listed determinations of the Federal Power Commission and in accordance with Departmental Order No. 2238 (a) (16) of August 16, 1946 (11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power

purposes, are hereby restored to location, entry, or selection as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
DA-30	Power Site Classification No. 107 of June 12, 1925.	Under the applicable public-land laws.	Alaska Seward Meridian T. 14 N., R. 2 W., sec. 12, SW¼SW¼, containing 40 acres.
DA-49	Power Site Classification No. 107 of June 12, 1925; Power Site Reserve No. 674 of Jan. 23, 1918, as modified May 29, 1918.	do	Alaska Seward Meridian T. 14 N., R. 2 W., sec. 11, E½SE¼ and E½W½SE¼; sec. 14, S½SE¼NE¼; T. 13 N., R. 3 W., sec. 33, NW¼NE¼ and NW¼, containing 340 acres.

Portions of the above-described lands are included in withdrawals for military purposes made by Executive Order No. 8102 of April 29, 1939, and by Public Land Order No. 95 of March 12, 1943.

The above-described lands shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Anchorage, Alaska, opening the unreserved lands to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. sec. 682a), as amended, with a 90-day preference right period for filing such applications by Veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 50-1343; Filed, Feb. 16, 1950; 8:55 a. m.]

Office of the Secretary

NEVADA

NOTICE OF HEARING TO CONSIDER ESTABLISHMENT OF GRAZING DISTRICT NO. 6

Pursuant to section 1 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended, notice is hereby given that on March 1, 1950, a hearing will be held by the Department of the Interior, at 10 a. m., at the Nye County Courthouse at Tonopah, Nevada, to consider the establishment of Nevada Grazing District No. 6, to comprise those parts of Eureka, Lander and Nye Counties, Nevada, north of the Mount Diablo Base Line, which are not in established grazing districts or National Forests. The hearing will be open to the attendance of all interested persons, including State officials, settlers, residents and livestock owners of the vicinity where the establishment of the grazing district is proposed.

This publication of this notice has the effect, in accordance with the provisions of the Taylor Grazing Act, of withdrawing the above-described lands from all forms of entry and settlement.

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 11, 1950.

[F. R. Doc. 50-1345; Filed, Feb. 16, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

ORGANIZATION

MISCELLANEOUS AMENDMENTS

The following amendments have been made to the present description of the Commission's organization found at Vol. 14, No. 27, p. 607 (February 10, 1949), of the FEDERAL REGISTER.

1. In section 1 *General statement* add the following sentence after the last sentence of the second paragraph: "The Commission also has certain duties with respect to section 15 (a) of the Bretton Woods Agreements Act."

2. In section 8 *Division of Corporation Finance*, paragraph (a) should read:

(a) This Division has certain duties and responsibilities in connection with the Commission's administration and enforcement of the provisions of the Securities Act of 1933, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the registration, reporting, proxy and certain fraud provisions of the Securities Exchange Act of 1934 (exclusive of all provisions relating specifically to brokers and dealers and national securities exchanges and associations), and the provisions of the Public Utility Holding Company Act of 1935 relating to certain proxies, ownership reports; and in connection with the Commission's duties under the Bretton Woods Agreements Act.

The first paragraph of paragraph (b) should read:

(b) *Office of the Director.* Supervision of all activities of the Division rests in the Director. His office includes an Associate Director, Special Advisers to the Director on certain phases of the Division's work such as the promulgation of forms and regulations, and a Records and Statistics Section which assigns all incoming material for examination, maintains a central record system, collects and tabulates data for Commission publication, and furnishes statistical data to regional offices and the government agencies.

The first sentence of the first paragraph of paragraph (c) should read:

(c) *Examining Staff.* This staff is responsible for the examination of and initial action upon registration statements, prospectuses, offering sheets, proxy statements, periodic and ownership reports, applications for qualification of indentures, requests for confidential treatment, and other documents filed with the Commission.

3. In section 10 *Division of Public Utilities*, paragraph (a) should read:

(a) This Division has certain duties and responsibilities in connection with the Commission's administration and enforcement of the provisions of the Public Utility Holding Company Act of 1935, except those provisions relating to certain proxies, ownership reports and political contributions; and in connection with the Commission's advisory functions under Chapter X of the National Bankruptcy Act.

The first paragraph of paragraph (b) should read:

(b) *Office of the Director.* The Director supervises all activities of the Division. His office includes an Associate Director and a Special Adviser to the Director on reorganization matters under Chapter X of the National Bankruptcy Act.

Insert as the fourth paragraph of paragraph (c)

(c) * * *

This branch is also responsible for the examination of an initial action upon the various documents filed, and plans and proposals arising, in court proceedings under Chapter X of the National Bankruptcy Act in which the Commission is interested.

4. In *Appendix A*, change item 20; items 21, 22, 23, and 24 have been deleted and item 25 becomes item 21.

* * * * *

20. *Working capital, registered companies.* Supplemental Schedules issued annually showing detailed working capital figures for registered companies reporting to the Commission.

21. *Table of decisions and reports.* A periodic index to decisions and reports made public by the Commission and not currently available in bound volume.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-1362; Filed, Feb. 16, 1950; 8:51 a. m.]

[File No. 70-1957]

MIDDLE WEST CORP. AND CONSOLIDATED ELECTRIC AND GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 10th day of February A. D. 1950.

The Commission, on August 5, 1949, issued its findings and opinion and order (Holding Company Act Release No. 9260), granting and permitting to become effective a joint application-declaration, filed pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 of the general rules and regulations thereunder, by The Middle West Corporation ("Middle West") and Consolidated Electric and Gas Company ("Consolidated"), nonaffiliated registered holding companies, for exemption from the competitive bid-

ding requirements of Rule U-50 with respect to the sale of their holdings of the common stock of their public utility subsidiary, Upper Peninsula Power Company ("Upper Peninsula"), subject to the reservation of jurisdiction by the Commission to pass upon the definitive terms of any such sale proposed by the applicants-declarants. Middle West and Consolidated hold, respectively, 34,000 shares (17%) and 120,000 shares (60%) of the common stock of Upper Peninsula.

Notice is hereby given that Middle West and Consolidated, jointly, have now filed an amendment to their application-declaration indicating that they expect to effect the sale of their holdings of shares of the common stock of Upper Peninsula in the near future. The definitive terms of the proposed sale, including the name of the purchaser and the price to be paid the applicants-declarants, will be furnished by subsequent amendment. Consolidated states that it will send telegraphic notice of the name of the purchaser and the price and spread to any interested person upon request addressed to Consolidated, 90 Broad Street, New York 4, N. Y. The application-declaration indicates that 34,800 shares (17.4%) of the outstanding common stock of Upper Peninsula, which is held by Copper Range Company, an exempt holding company, and 11,200 shares (5.6%), held by private individuals, will be offered for sale in conjunction with the shares held by applicants-declarants.

Consolidated will apply the proceeds from the sale of its shares of the common stock of Upper Peninsula in partial payment of its outstanding note dated September 20, 1949, which is held by The Chase National Bank of the City of New York, and Middle West will distribute its proceeds to its stockholders in accordance with its plan of liquidation.

All interested persons are referred to said application-declaration, and the amendments thereto, which are on file in the office of this Commission, for a statement of the proposed transactions summarized above.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said proposed sale, and that said application-declaration, as amended, shall not be granted and permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said application-declaration pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on February 21, 1950 at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk in Room 101. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before February 20, 1950, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of said application-declaration, and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to additional matters or questions being specified upon further examination:

1. Whether the consideration to be received by Middle West and Consolidated for the stock of Upper Peninsula is reasonable.

2. Whether competitive conditions were maintained in connection with the proposed sale.

3. Whether the fees, commissions, or other remuneration to be paid by Middle West and Consolidated in connection with the proposed sale are reasonable.

4. Whether the terms or conditions of the proposed sale are detrimental to the public interest or the interest of investors or consumers.

5. Generally, whether the proposed transactions comply with all of the applicable provisions and requirements of the act and the rules and regulations thereunder, and whether it is necessary or appropriate in the public interest or for the protection of investors or consumers, or to prevent the circumvention of any of the provisions of the act or the rules and regulations thereunder, to impose terms and conditions in connection with the proposed transaction.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve copies of this order by registered mail on Middle West, Consolidated, Copper Range Company, the Michigan Public Service Commission, and The Chase National Bank of the City of New York, and that notice of said hearing shall be given to all other persons by publication of this order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1357; Filed, Feb. 16, 1950; 8:52 a. m.]

[File No. 70-2309]

WACHUSETT ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of February A. D. 1950.

New England Electric System ("NEES"), a registered holding company, and its subsidiary company, Wachusett Electric Company ("Wachusett") having filed a joint application, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 10 thereof and Rule U-42 (b) (2) promulgated thereunder, with respect to the following proposed transactions:

Wachusett proposes to issue and sell for cash to NEES 3,630 shares of additional Capital Stock (par value $100 per share) of the aggregate par value of $363,000. Such additional shares are to be offered to NEES, the sole stockholder of Wachusett, at the price of $300 a share or an aggregate of $1,089,000. NEES proposes to acquire such shares and will use available cash for such purpose.

Wachusett is indebted to NEES in the amount of $290,000. Such indebtedness consists of advances of which $240,000 bears interest at the rate of 3% per annum and the remainder is non-interest bearing. Wachusett also presently has outstanding promissory 2¾% short-term notes in the aggregate amount of $800,000 and maturing May 31, 1951. The notes carry the privilege of prior payment in whole or in part.

Wachusett proposes to apply the proceeds from the sale of additional shares of Capital Stock, together with $1,000 of treasury funds, to the retirement of its indebtedness aggregating $1,090,000 as indicated in the preceding paragraph.

The Massachusetts Department of Public Utilities has approved the issue and sale by Wachusett of the additional shares of capital stock at the price of $300 a share.

Incidental services in connection with the proposed transactions by Wachusett and NEES will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. The cost to Wachusett and NEES of such services is estimated not to exceed $1,000 and $200 respectively. Total expenses to be borne by Wachusett are estimated at $1,581.

Applicants request that the Commission's order become effective upon the issuance thereof.

Said application having been filed on January 19, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application be, and hereby is, granted forthwith, subject to the

terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1358; Filed, Feb. 16, 1950; 8:51 a. m.]

[File No. 70-2315]

CLINT W. MURCHISON, JR.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of February 1950.

Clint W. Murchison, Jr., an affiliate of Southern Union Gas Company ("Southern"), having filed an application pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 with respect to his acquisition, directly or indirectly, of warrants entitling him to subscribe, directly or indirectly, for not to exceed 6,422$^{3}/_{12}$ shares of additional common stock to be issued by Southern pro rata to its stockholders, and through the exercise of such warrants, the acquisition, directly or indirectly, of 6,422 shares of such additional common stock at $17.50 per share, and the acquisition of additional shares, if any, which the warrants authorize to be subscribed, subject to allotment; and

Said application having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having reecived a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1359; Filed, Feb. 16, 1950; 8:51 a. m.]

[File No. 70-2317]

LEE MOOR

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of February 1950.

Lee Moor, an affiliate of Southern Union Gas Company ("Southern"), having filed an application pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 with respect to his acquisition, directly or indirectly, of warrants entitling him to subscribe, directly or indirectly, for not to exceed 17,658$^{1}/_{6}$ shares, including 7,792$^{5}/_{12}$ shares as trustee, of additional common stock to be issued by Southern pro rata to its stockholders, and through the exercise of such warrants, the acquisition, directly or indirectly, of 17,658 shares of such additional common stock, including 7,792 shares as trustee, at $17.50 per share, and the acquisition of additional shares, if any, which the warrants authorize to be subscribed, subject to allotment, and if desirable, the acquisition as trustee of all or any part of the warrants issuable to him in his individual capacity pursuant to the warrant offering by Southern, or the common stock subject to subscription pursuant to such warrants, or both such warrants and common stock; and

Said application having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1361; Filed, Feb. 16, 1950; 8:51 a. m.]

[File No. 70-2318]

WOFFORD CAIN

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of February 1950.

Wofford Cain, an affiliate of Southern Union Gas Company ("Southern"), having filed an application pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 with respect to his acquisition, directly or indirectly, of warrants entitling him to subscribe, directly or indirectly, for not to exceed 7,466$^{2}/_{3}$ shares of additional common stock to be issued by Southern pro rata to its stockholders, and through the exercise of such warrants, the acquisition, directly or indirectly, of 7,466 shares of such additional common stock at $17.50 per share, and the acquisition of additional shares, if any, which the warrants authorize to be subscribed subject to allotment; and

Said application having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1360; Filed, Feb. 16, 1950; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Amdt. 1 to King's I. C. C. Order 11]

NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 11 and good cause appearing therefor: *It is ordered*, That: King's I. C. C. Order No. 11, be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p. m., February 28, 1950, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., February 14, 1950, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., February 13, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-1351; Filed, Feb. 16, 1950; 8:50 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 12]

NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the Nashville, Chattanooga and

St. Louis Railway, because of high water and the opening of flood gates, is unable to transport traffic routed into, out of, or through Paducah, Kentucky. It is ordered that:

(a) *Rerouting NC&StL traffic.* The Nashville, Chattanooga and St. Louis Railway, or its connections subject to the Interstate Commerce Act, are hereby authorized and directed to reroute or divert traffic moving on its lines, routed into, out of, or through Paducah, Kentucky, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new rerouting provided under this order.

(d) *Effective date.* This order shall become effective 12:01 a. m., February 14, 1950.

(e) *Expiration date.* This order shall expire at 11:59 p. m., February 28, 1950, unless otherwise modified, changed, suspended or annulled.

It is further ordered that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., February 13, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-1368; Filed, Feb. 16, 1950; 8:52 a. m.]

[S. O. 844, Special Directive 29]

BALTIMORE AND OHIO RAILROAD CO.

FURNISHING CARS FOR FUEL COAL FOR DELAWARE AND HUDSON RAILROAD CORP.

On February 13, 1950, the Delaware and Hudson Railroad Corporation certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Baltimore and Ohio Railroad Company is directed:

To furnish weekly to the individual mines listed in Appendix A or, where so indicated to groups of mines whose output is controlled by companies or corporations, sufficient cars suitable for the transportation of the required number of cars of the type of coal described.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Delaware and Hudson Railroad Corporation is supplied.

A copy of this special directive shall be served on the Baltimore and Ohio Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 13th day of February A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

APPENDIX A

Company	Name of mine	Grade	Number of cars weekly
United Eastern Coal Sales Corp.	O'Donnell	Egg	4
Pittsburgh-Consolidation Coal Co.	Consolidation No. 25	do	11
Do.	Consolidation No. 32		
Do.	Consolidation No. 38		
Do.	Consolidation No. 63		
Eastern Gas & Fuel Associates	Dawson	do	16
Sitnek Fuel Co.	Katherine	do	22
Do.	Lockview		
Do.	Joyce		
Do.	Alpha		
Do.	Gregory		
Do.	Penn 1 & 2		
Do.	Pepper		
Do.	Pizot		
Do.	Milford		
Simpson Creek Coal Sales Corp.	Galloway 2 and 3	do	13
Gorman-Boston Fuel Co.	Eagle No. 2	do	4
C. L. Amos Coal Co.	Scott No. 2	do	6
Tasa Coal Co.	Canyon	do	11
Sidford & Green, Inc.	Corona	do	5
Louis Gulotta & Co.	Adrian	Mine run	4
Do.	Brook		
Do.	Hood		
Wilkes-Barre Coal Sales Co.	Sullivan Trail	do	1
Tasa Coal Co.	Tasa No. 7	do	1
Do.	Keeley		
West Virginia Coal & Coke Corp.	Norton	Lump	1

[F. R. Doc. 50-1352; Filed, Feb. 16, 1950; 8:50 a. m.]

[S. O. 844, Special Directive 30]

MONONGAHELA RAILWAY CO.

FURNISHING CARS FOR LOCOMOTIVE FUEL COAL FOR DELAWARE AND HUDSON RAILROAD CORP.

On February 13, 1950, the Delaware and Hudson Railroad Corporation certified, through its proper officer, that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Monongahela Railway Company is directed:

To furnish weekly to the individual mines listed in Appendix A or, where so indicated to groups of mines whose output is controlled by companies or corporations, sufficient cars suitable for the transportation of the required number of cars of the type of coal described.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Delaware and Hudson Railroad Corporation is supplied.

A copy of this special directive shall be served on the Monongahela Railway Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 13th day of February A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

APPENDIX A

Company	Name of mine	Grade	Number of cars weekly
Winslow-Knickerbocker Coal Co.	Rosedale	Egg	5
Pittsburgh & Fairmont Coal Co.	Brock	do	3
	National		
Pittsburgh-Consolidation Coal Co.	Everettville	do	12
Do.	Osage No. 3		
Do.	Booth No. 6		
Do.	Arkwright		
Do.	Pursglove		
Eastern Gas & Fuel Associates	Federal No. 1	do	11
Valley Camp Coal Co.	Maiden	do	1
Jamison Coal & Coke Co.	Jamison No. 11	do	18

[F. R. Doc. 50-1353; Filed, Feb. 16, 1950; 8:50 a. m.]

[S. O. 844, Special Directive 31]

PENNSYLVANIA RAILROAD CO.

FURNISHING CARS FOR LOCOMOTIVE FUEL COAL FOR DELAWARE AND HUDSON RAILROAD CORP.

On February 13, 1950, the Delaware and Hudson Railroad Corporation certified, through its proper officer, that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Pennsylvania Railroad Company is directed:

To furnish weekly to the individual mines listed in Appendix A or, where so indicated to groups of mines whose output is controlled by companies or corporations, sufficient cars suitable for the transportation of the required number of cars of the type of coal described.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Delaware and Hudson Railroad Corporation is supplied.

A copy of this special directive shall be served on the Pennsylvania Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 13th day of February A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

APPENDIX A

Company	Name of mine	Grade	Number of cars weekly
Winslow-Knickerbocker Coal Co.	Rosedale	Egg	5
Pittsburgh & Fairmont Coal Co.	Brock	do	3
	National		
Pittsburgh-Consolidation Coal Co.	Everettville	do	12
Do.	Osage No. 3		
Do.	Booth No. 6		
Do.	Arkwright		
Do.	Pursglove		
Eastern Gas & Fuel Associates	Federal No. 1	do	11
Valley Camp Coal Co.	Maiden	do	1
Jamison Coal & Coke Co.	Jamison No. 11	do	18

[F. R. Doc. 50-1354; Filed, Feb. 16, 1950; 8:50 a. m.]

[S. O. 844, Special Directive 32]

WESTERN MARYLAND RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR DELAWARE AND HUDSON RAILROAD CORP.

On February 13, 1950, the Delaware and Hudson Railroad Corporation certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its lines) and that not having available on its lines a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mines and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Western Maryland Railway Company is directed:

To furnish weekly to the Williams mine one car suitable for the loading of 45 tons of egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Delaware and Hudson Railroad Corporation is supplied.

A copy of this special directive shall be served on the Western Maryland Railway Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 13th day of February A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1355; Filed, Feb. 16, 1950; 8:49 a. m.]

[S. O. 844, Special Directive 33]

PITTSBURG & SHAWMUT RAILROAD CO.

FURNISHING CARS FOR FUEL COAL FOR DELAWARE AND HUDSON RAILROAD CORP.

On February 13, 1950, the Delaware and Hudson Railroad Corporation certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on their lines) and that not having available on its lines a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Pittsburg & Shawmut Railroad Company is directed:

To furnish weekly to the Seneca mine one car suitable for the loading of mine run grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Delaware and Hudson Railroad Corporation is supplied.

A copy of this special directive shall be served on the Pittsburg & Shawmut Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 13th day of February A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1356; Filed, Feb. 16, 1950; 8:48 a. m.]

[4th Sec. Application 24864]

PULPWOOD FROM DILLON, S. C., TO KINGSPORT, TENN.

APPLICATION FOR RELIEF

FEBRUARY 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Atlantic Coast Line Railroad Company for itself and on behalf of the Charleston & Western Carolina Railway Company and other carriers named in the application.

Commodities involved: Pulpwood, carloads.

From: Dillon, S. C.

To: Kingsport, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: ACL., tariff I. C. C. No. B–3168, Supplement 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1348; Filed, Feb. 16, 1950; 8:50 a. m.]

[4th Sec. Application 24865]

SLATE FROM TRUNK LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

FEBRUARY 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for and on behalf of carriers parties to fourth-section application No. 18704.

Commodities involved: Slate, natural, carloads.

From: Points in Trunk Line and New England territories.

To: Points in the South.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A–726, Supplement 197.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1349; Filed, Feb. 16, 1950; 8:50 a. m.]

[4th Sec. Application 24866]

COTTON GOODS FROM BORDER TERRITORY TO BALTIMORE, MD.

APPLICATION FOR RELIEF

FEBRUARY 14, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 668.

Commodities involved: Cotton goods, carloads.

From: Points in North Carolina, Virginia, Kentucky and Tennessee.

To: Baltimore, Md.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 668, Supplement 169.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1350; Filed, Feb. 16, 1950; 8:50 a. m.]

UNITED STATES MARITIME COMMISSION

MEMBER LINES OF PACIFIC COAST/CARIBBEAN SEA PORTS CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH COMMISSION FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreement No. 4294–9 (revised), between the member lines of the Pacific Coast/Caribbean Sea Ports Conference, modifies the basic agreement of said conference (No. 4294)—(a) by expanding the number of ports where members may transship cargo; (b) to increase the admission fee from $500 to $1000; (c) to reduce the notice period of withdrawals from membership from 90 to 60 days; (d) to change the quorum and voting requirements; (e) to include a more complete provision governing breaches of the agreement; and (f) to clarify the language of certain other provisions of the conference agreement. Agreement No. 4294 covers the establishment and maintenance of agreed rates and charges for or in connection with transportation of cargo from United States and Canadian Pacific Coast ports to ports in Barbados, British Guiana, British Honduras, East Coast of Colombia, East Coast of Costa Rica, Cuba, Dominican Republic, French Guiana, French West Indies, East Coast of Guatemala, Haiti, East Coast of Honduras, Jamaica, Leeward and Windward Islands, Netherlands West Indies, East Coast of Nicaragua, Surinam, Trinidad and Venezuela.

Agreement No. 4630–8 (revised), between the member lines of the Pacific/West Coast of South America Conference, modifies the basic agreement of said Conference (No. 4630)—(a) to increase the admission fee from $250 to $1,000; (b) to reduce the notice period of withdrawals from membership from 90 to 60 days; (c) to change the quorum and voting requirements; (d) to include a more complete provision governing breaches of the agreement; and (e) to clarify the language of certain other provisions of the Conference agreement. Agreement No. 4630 provides for the establishment and maintenance of uniform rates and conditions for and in connection with the transportation of all cargo from Pacific Coast ports of the United States and Canada to Pacific Coast ports of Colombia, Ecuador, Peru and Chile.

Agreement 7170–1 between the member lines of the Pacific Coast/Panama Canal Freight Conference, modifies the basic agreement of said conference (No. 7170)—(a) to increase the admission fee from $500 to $1,000; (b) to reduce the notice period of withdrawals from membership from 90 to 60 days; (c) to change the quorum and voting requirements; (d) to include a more complete provision governing breaches of the agreement; and (e) to clarify the language of certain other provisions of the conference agreement. Agreement 7170 covers the establishment; regulation and maintenance of agreed rates, charges and practices for or

in connection with the transportation of all merchandise in the trade from Pacific Coast ports of the United States and Canada to Colon, Panama City, Balboa and Cristobal.

Interested parties may inspect these agreements and obtain copies thereof at the Commission's Office of Regulation, Washington, D. C., and may submit to the Commission within 20 days after publication of this notice written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 13, 1950, at Washington, D. C.

By the Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 50-1347; Filed, Feb. 16, 1950; 8:48 a. m.]

FARRELL LINES, INC., ET AL.

NOTICE OF AGREEMENTS FILED WITH COMMISSION FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended:

Agreement No. 7745, between Farrell Lines Incorporated and Mississippi Shipping Company, covers transportation of cargo under through bills of lading in the trade between Harbel, Liberia, to United States Gulf ports, with transshipment at Monrovia, Liberia.

Agreement No. 7746, between Farrell Lines Incorporated and Elder Dempster Lines, Ltd., covers transportation of cargo under through bills of lading in the trade between Harbel, Liberia, and United States Atlantic ports, with transhipment at Monrovia, Liberia.

Agreement No. 7747, between Farrell Lines Incorporated and the carriers comprising the Barber-West African Line joint service, Wilhelmsens Dampskibsaktieselskab, A/S Den Norske Afrika-og Australielinie, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI, Skibsaktieselskapet Varild, Skibsaktieselskapet Marine, Aktieselskabet Glittre, Dampskibsinteressentskabet Garonne, Skibsaktieselskapet Sangstad, Skibsaktieselskapet Solstad, Skibsaktieselskapet Siljestad, Dampskibsaktieselskabet International, Skibsaktieselskapet Mandeville and Skibsaktieselskapet Goodwill (as one member or party only), covers transportation of cargo under through bills of lading in the trade between Harbel, Liberia, and United States Atlantic ports with transhipment at Monrovia, Liberia.

Interested parties may inspect these agreements and obtain copies thereof at the Commission's Office of Regulation, Washington, D. C., and may submit to the Commission within 20 days after publication of this notice, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 13, 1950.

By the Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 50-1346; Filed, Feb. 16, 1950; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14322]

MRS. WALLY BILCK

In re: Rights of Mrs. Wally Bilck under insurance contract. File No. F-28-24787-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Wally Bilck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Claim Settlement Certificate No. 168647, issued to Mrs. Wally Bilck by The Prudential Insurance Company of America, Newark, New Jersey, in settlement of policy No. 5 319 739, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-1369; Filed, Feb. 16, 1950; 8:54 a. m.]

[Vesting Order 14327]

ELFRIEDE JOHNTKE ET AL.

In re: Rights of Elfriede Johntke, et al, under insurance contracts. File No. D-28-12699-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elfriede Johntke and Ida Glabe, also known as Mrs. Wilhelm Glabe, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidence by Fiduciary certificates No. FC 131,650-A and FC 131,650-B, issued to Elfriede Johntke and Ida Glabe, also known as Mrs. Wilhelm Glabe, by the National Life Insurance Company, Montpelier, Vermont, in settlement of policy No. 131,650, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Acting Director, Office of Alien Property.*

[F. R. Doc. 50-1370; Filed, Feb. 16, 1950; 8:54 a. m.]

[Vesting Order 14328]

TAKIMO KAJIKAWA

In re: Rights of Takimo Kajikawa under insurance contract. File No. F-39-6073-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takimo Kajikawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 2 342 706, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Matsutaro Kajikawa, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1371; Filed, Feb. 16, 1950; 8:54 a. m.]

[Vesting Order 14329]

WILHELM KUESTER

In re: Rights of Wilhelm Kuester under insurance contract. File No. D-28-12706-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Kuester, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 101 485 997, issued by the Metropolitan Life Insurance Company, New York, New York, to Wilhelm Kuester, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Wilhelm Kuester be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1372; Filed, Feb. 16, 1950; 8:54 a. m.]

[Vesting Order 14331]

ELSA MOTZKAU

In re: Rights of Elsa Motzkau also known as Elsa K. Motzkau, under insurance contracts. File Nos. F-28-30577-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Motzkau also known as Elsa K. Motzkau, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 47 298 178 and 50 434 083, issued by the Metropolitan Life Insurance Company, New York, New York, to Herbert Motzkau, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Elsa Motzkau also known as Elsa K. Motzkau be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1373; Filed, Feb. 16, 1950; 8:54 a. m.]

[Vesting Order 14332]

HAYAKO RYUTO AND SADAO RYUTO

In re: Rights of Hayako Ryuto and Sadao Ryuto under insurance contract. File No. D-39-18649-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hayako Ryuto and Sadao Ryuto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS-58153, issued by the California-Western States Life Insurance Company, Sacramento, California, to Otojiro Ryuto, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1374; Filed, Feb. 16, 1950; 8:54 a. m.]

[Vesting Order 14333]

MINNA W. SCHLICKER

In re: Estate of Minna W. Schlicker, also known as Minna Weyprecht Schlicker, deceased. File No. D-28-12204; E. T. sec. 16428.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Weyprecht Kleinen, also known as Marie Kleinen and Johanna Kleinen, and Charlotte Weyprecht, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind of character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Minna W. Schlicker, also known as Minna Weyprecht Schlicker, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Francis J. Mulligan, Public Administrator for New York County, as Administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1375; Filed, Feb. 16, 1950; 8:55 a. m.]

[Vesting Order 14334]

WALTER STOLTENHOFF

In re: Rights of Walter Stoltenhoff under insurance contracts. Files No. F-28-22022-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Stoltenhoff, whose last known address is Italy, is a citizen of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 901 221 and 901 469, issued by the General American Life Insurance Company, St. Louis, Missouri, to Walter Stoltenhoff, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1376; Filed, Feb. 16, 1950; 8:55 a. m.]